



DEPARTMENT OF THE NAVY
HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
27130 TELEGRAPH ROAD
QUANTICO VA 22134 -2253



Dear Mr. Jordan:

This responds to your October 17, 2019, Freedom of Information Act (FOIA) request seeking all documents related to the retaliatory hazing of PFC Alvarado in July 1986.

A search of our collective databases failed to locate the requested Naval Criminal Investigative Service (NCIS) investigation. Investigative files from 1986 were maintained at the Federal Records Center and, in accordance with NCIS records retention policy, destroyed after 25 years. However, this office located a portion of the requested investigation that was used as an Exhibit in a different NCIS Investigation. We are providing the portion we located.

Our review of these documents revealed they contained personal identifiers (such as names and social security numbers) of third parties, the release of which would constitute an unwarranted invasion of personal privacy. Accordingly, we have *partially* denied your request and withheld this information pursuant to the FOIA provisions 5 U.S.C. § 552(b)(6) and (b)(7)(C). All releasable information is contained within enclosure (1). We have also provided an enclosure explaining the various exemptions of the FOIA.

You may appeal our exemptions within 90 days from the date of this letter. If you have created an account in FOIAonline (<https://foiaonline.gov>), you may submit an appeal directly within the web-based system. To do this, you would log into your account, retrieve your original request, and then click on the "Create New" tab in the left-hand column and select "Appeal." Fill in the basis for your appeal and select "Submit."

Alternatively, you may appeal by writing to the Judge Advocate General of the Navy (Code 14), 1322 Patterson Avenue SE, Suite 3000, Washington Navy Yard, DC 20374-5066. Your letter should state the reasons for your appeal, and include a copy of this letter along with a copy of your original request and must be postmarked (vice received) in the above office within the 90-day appeal limit. The letter of appeal and the envelope must both bear the notation: "FOIA Appeal."

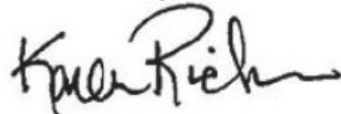
If you choose not to appeal, you have the right to seek dispute resolution services. You may contact the Department of the Navy's FOIA public liaison, Mr. Chris Julka, at christopher.a.julka@navy.mil or (703) 697-0031 or the Office of Government Information Services (<https://ogis.archives.gov/>).

Some information in our records is under the release authority of the Commandant of the Marine Corps, Headquarters U.S. Marine Corps (ARSF), 2 Navy Annex Room 3134,

Washington DC 20380. We are forwarding those documents to them for a release determination and direct response to you.

There are no assessable fees associated with the processing of your request. If you have any questions regarding this matter, please contact our office at (571) 305-9092 or via email at ncis_foia@navy.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Richman", with a stylized, flowing script.

KAREN RICHMAN
Assistant Counsel
Head, Government Information Sharing Unit

Enclosures: 1. Exemption sheet
2. Documents



Explanation of the Nine FOIA Exemptions

The following is a list of FOIA exemptions which apply to Government information in accordance with 5 U.S.C. § 552(b):

(b)(1) EXEMPTION – Protects Classified Matters of National Defense or Foreign Policy.

This exemption protects from disclosure national security information concerning the national defense or foreign policy, provided that it has been properly classified in accordance with the substantive and procedural requirements of an executive order.

(b)(2) EXEMPTION – Internal Personnel Rules and Practices.

This exemption exempts from mandatory disclosure records “related solely to the internal personnel rules and practices of an agency.” Courts have interpreted the exemption to encompass two distinct categories of information:

- (a) Internal matters of a relatively trivial nature – sometimes referred to as “low2” information: and

(b)(3) EXEMPTION – Information Specifically Exempted by Other Statutes:

This exemption incorporates the disclosure prohibitions that are contained in various other federal statutes. As originally enacted in 1966, Exemption 3 was broadly phrased so as to simply cover information “specifically exempted from disclosure by statute.” The new Exemption 3 statute prohibits agencies from releasing under the FOIA proposals, “unless that proposal” is set forth or incorporated by reference in a contract entered into between the agency and the contractor that submitted the proposal.”

(b)(4) EXEMPTION – Trade Secrets Commercial or Financial Information.

This exemption protects “trade secrets and commercial or financial information obtained from a person (this is) privileged or confidential.” This exemption is intended to protect the interest of both the government and submitter of information.

(b)(5) EXEMPTION – Privileged Interagency or Intra-Agency Memoranda or Letters.

This exemption protects “inter-agency or intra-agency memorandums of letters which would not be available by law to a party... in litigation with the agency.” As such, it has been construed to “exempt those documents, and only those documents, normally privileged in the civil discovery context.”

(b)(6) EXEMPTION- Personal Information Affecting an Individual’s Privacy.

This exemption permits the government to withhold all information about individuals in “personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” This exemption cannot be invoked to withhold from a requester information pertaining to the requester.

(b)(7) EXEMPTION – Investigatory Records Compiled for Law Enforcement Purposes.

As amended, this exemption protects from disclosure “records or information compiled for law enforcement purposes.

EXEMPTION 7(A) Records of information that could reasonably be expected to interfere with enforcement proceedings. This exemption authorizes the withholding of “records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information... could reasonably be expected to interfere with enforcement proceedings.”

EXEMPTION 7(B) Disclosure which would deprive a person of a fair trial or an impartial adjudication. Records that would prevent prejudicial pretrial publicity that could impair a proceeding, protect “records of information compiled for law enforcement purposes (the disclosure of which) would deprive a person of the right to a fair trial or an impartial adjudication.”

EXEMPTION 7(C) Personal Information in Law Enforcement Records. This exemption provides protection for personal information in law enforcement records. This exemption is the law enforcement counterpart to Exemption 6, providing protection for law enforcement information the disclosure of which “could reasonably be expected to constitute an unwarranted invasion of personal privacy.”

EXEMPTION 7(D) Identity of a Confidential Source. This exemption provides protection for “records or information compiled for law enforcement purposes (which) could reasonably be expected to disclose the identity of a confidential source – including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis – and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source.”

EXEMPTION 7(E) Circumvention of the Law. This exemption affords protection to all law enforcement information which “would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

EXEMPTION 7(F) Physical Safety to Protect a wide Range of individuals. This exemption permits the withholding of information necessary to protect the physical safety of a wide range of individuals. Whereas Exemption 7(F) previously protected records that “would... endanger the life or physical safety of law enforcement personnel.” The amended exemption provides protection to “any individual when disclosure of information about him or her “could reasonably be expected to endanger (his/her) life or physical safety.”

(b)(8) EXEMPTION – Records of Financial Institutions.

This exemption covers matters that are “contained in or related to examinations, operating, or condition reported prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.”

(b)(9) EXEMPTION – Geographical and Geophysical Information Concerning Wells.

This exemption covers “geological and geophysical information and data, including maps concerning wells.”

7/23/22/05/7

U.S. NAVAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

ASSAULT

CONTROL: 27JUL86-05GT-0155-7GMA/F

25AUG86

(b)(6), (b)(7)(C)

X/COX, DAVID VERNON/LCPL USMC
M/W/MEE3 (b)(6), (b)(7)(C) 27NOV66/BOSTON, MA

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

COMMAND/MARINE BARRACKS, GTMO, CUBA/67228

MADE AT/05GT/GUANTANAMO BAY, CUBA, (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

- (A) NISRA GUANTANAMO BAY ROI/04AUG86
(B) NISRA GUANTANAMO BAY ROI/04AUG86/CCN: (b)(6), (b)(7)(C)
SUBJ: (b)(6), (b)(7)(C)

STATUTES

1. THIS INVESTIGATION SUPPORTS PROSECUTION OF THE CULPABLE INDIVIDUALS UNDER ARTICLE 128, OF THE UNIFORM CODE OF MILITARY JUSTICE (UCMJ).

JUDICIAL ACTIVITIES

2. SUBJECT AND CO-SUBJECTS (b)(6), (b)(7)(C) COX, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) APPEARED AT A ARTICLE 32 HEARING ON 15, 16 AUG 86. AS A RESULT OF THE ARTICLE 32 HEARINGS, EACH WERE AWARDED A GENERAL COURTS-MARTIAL.

ATTEMPTS TO INTERROGATE CO-SUBJECTS

3. ATTEMPTS TO INTERROGATE SUBJECT AND CO-SUBJECTS (b)(6), (b)(7)(C)

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PAGE 1

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000001

U.S. NAVAL INVESTIGATIVE SERVICE

(b)(6), (b)(7)(C) RESULTED IN A DECLINATION, BY THEIR
RESPECTIVE DEFENSE COUNSELORS, TO ALLOW INTERROGATION BY NISRA
GUANTANAMO BAY. (14,15,22,25 AUG 86)

INTERVIEW OF VICTIM

4. VICTIM WAS INTERVIEWED, ON 01 AUG 86, AND ADVISED THAT HE COULD
NOT RECALL ANY INFORMATION REGARDING THE ALLEGED ASSAULT; HOWEVER,
VICTIM DID RECALL THE INCIDENTS LEADING UP TO THE ASSAULT, EXHIBIT
(1) PERTAINS.

INVESTIGATIVE STATUS

5. ALL LOGICAL LEADS HAVING BEEN COMPLETED, THIS INVESTIGATION IS
CLOSED.

NIS FILES

5. FILES OF NISRO NORFOLK DISCLOSE NO INFORMATION DIRECTLY PERTINENT
TO THIS MATTER OTHER THAN THAT CONTAINED IN REF (B).

EXHIBIT

(1) NISRA KEY WEST ROI/07AUG86...(COPY ALL)

ACTION/LEAD

A.05RR...PROVIDE RADM (b)(6), (b)(7)(C) COPIES OF THIS REPORT AND EXHIBIT (1).

DISTRIBUTION

NSICHQ: 0023 (M)

CONTROL: 05HQ (M)

ACTION: 05RR (M)

INFO: 0022(M)/COMNAVBASE/NLSO/COMMAND

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PAGE 2 LAST (b)(6), (b)(7)(C)

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U.S. NAVAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (RUC).

07AUG86

ASSAULT

CONTROL: 27JUL86-05GT-0154-7GMA

(b)(6), (b)(7)(C)

COMMAND/MARINE BKS, GTMO, CUBA/67228

MADE AT/06KW/KEY WEST FL (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NISRA GUANTANAMO INVESTIGATIVE CASE FILE

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

CONTACT WITH CEDARS MEMORIAL HOSPITAL

1. ON 01 AUG 86, CONTACT WAS MADE WITH (b)(6), (b)(7)(C) CEDARS MEMORIAL HOSPITAL, WHO APPRISED REPORTING AGENT THAT VICTIM WAS IN FAIR CONDITION AND IMPROVING. (b)(6), (b)(7)(C) ALSO INDICATED VICTIM DID NOT APPEAR TO HAVE SUSTAINED ANY PERMANENT DAMAGE.

INTERVIEW OF VICTIM

2. ON 01 AUG 86, AN INTERVIEW WAS CONDUCTED OF VICTIM AT CEDARS MEMORIAL HOSPITAL, WHERE VICTIM APPRISED REPORTING AGENT THAT HE (VICTIM) COULD NOT RECALL ANY INFORMATION REGARDING THE ALLEGED ASSAULT. VICTIM, HOWEVER, WAS ABLE TO RECALL IN DETAIL INCIDENTS LEADING UP TO THE ALLEGED ASSAULT, AND RELATED SAME TO REPORTING AGENT, AS REPORTED IN A RESULTS OF INTERVIEW WHICH IS EXHIBIT (1) TO THIS REPORT.

EXHIBIT

(1) RESULTS OF INTERVIEW W/VICTIM/01AUG86... (ORIG 05GT/COPY ALL)

ACTION/LEAD

A.05GT...APPRISE COMMAND.

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NSIC HQ: 0023 (M)
CONTROL: 05HQ (M)
ACTION: 05GT (M)
INFO: 06HQ (M)

EXHIBIT (/)

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(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

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INTERVIEW OF (b)(6), (b)(7)(C)
AS RECORDED BY SPECIAL AGENT (b)(6), (b)(7)(C)
ON 01 AUGUST 1986

On 01 August 1986 a detailed interview was conducted of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USMC, Social Security number (b)(6), (b)(7)(C) at (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) by the reporting agent concerning (b)(6), (b)(7)(C) knowledge regarding the alleged assault of (b)(6), (b)(7)(C) on 27 July 1986.

"On 26 July 1986 during a meeting of the First Platoon in the RSC Classroom as (b)(6), (b)(7)(C) was addressing the Platoon regarding an investigation being conducted by NIS, (b)(6), (b)(7)(C) stated that "Marines take care of Marines; however, there is a person among us that went to NIS instead of coming to me (b)(6), (b)(7)(C) so that we could have kept this incident (referring to a separate investigation) in the Company. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) went on to state "we could have avoided this big investigation, but someone had to talk. The person that is talking to the outside is un-loyal, so we are going to have to let him go. I don't want you beating him (referring to the individual that had talked to NIS) up, because this guy just made a mistake. Myself (b)(6), (b)(7)(C), my Staff Sergeant, Gunny, and Lieutenant know who this individual is; however, when I let you go, I'm going to tell the Squad Leaders who this individual is." Next, the Staff Sergeant came back in and told me to go fill out my record of Emergency Data. When I came back to my room, (b)(6), (b)(7)(C) went into his room with LCPL Cox, where LCPL Cox began laughing and saying, quote: "The (b)(6), (b)(7)(C) rat, I knew we couldn't trust him." Next, little by little it got around that I was going to be leaving. I never told anyone that I had talked to NIS. Then they turned us loose on Liberty and I left at around 1900 for a walk and to go to the Club (Post 46) and Staff NCO Club. At around 2330 or 2400, I decided to go back to the barracks and go to sleep; I was not drunk or even slightly intoxicated since I do not drink. I remember taking a shower and laying down; the next thing I know I was having a bad dream, which for some reason I can not recall, then the very next thing, I'm gasping for air in a bed at the Guantanamo Bay Hospital with tubes in me. (b)(6), (b)(7)(C) is talking to me saying (b)(6), (b)(7)(C) don't worry, we got the guys that did this to you." I don't remember anything about the incident, not one detail; it took me a day in the hospital before I realized I wasn't dreaming.

End of interview with (b)(6), (b)(7)(C) USMC on 01 August 1986.

Reported by (b)(6), (b)(7)(C)

EXHIBIT 6

Pages 5 through 10 redacted for the following reasons:

Referred to HQUSMC

U.S. NAVAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (PENDING)

04AUG86

ASSAULT

CONTROL: 27JUL86-05GT-0155-7GMA

(b)(6), (b)(7)(C)

X/COX, DAVID VERNON/LCPL USMC
M/W/MEE3 (b)(6), (b)(7)(C) /27NOV66/BOSTON, MA

(b)(6), (b)(7)(C)

COMMAND/MARINE BARRACKS, GTMO, CUBA/67228

MADE AT/05GT/GUANTANAMO BAY, CUBA, (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NISRA GUANTANAMO BAY ROI/04AUG86/CCN: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

SYNOPSIS

1. INVESTIGATION WAS INITIATED AFTER VICTIM WAS REPORTEDLY ASSAULTED BY SUBJECT AND CO-SUBJECTS IN VICTIM'S BEQ ROOM AT THE MARINE BARRACKS, NAVBASE, GUANTANAMO BAY, CUBA. LIAISON WITH NAVAL HOSPITAL PERSONNEL DETERMINED THE VICTIM WAS SUFFERING FROM SEVERE INTERNAL BLEEDING AND WOULD POSSIBLY NOT SURVIVE THE ASSAULT. FOUR CO-SUBJECTS HAVE ADMITTED CULPABILITY AND HAVE IMPLICATED SUBJECT AND THE ADDITIONAL CO-SUBJECTS IN THE ASSAULT. THEY FURTHER EXPLAINED THAT THEY ONLY INTENDED TO CONDUCT A "BLANKET PARTY" BY WHICH VICTIM WOULD BE "DISCIPLINED" FOR HIS COOPERATION WITH NIS (REFERENCE (A) PERTAINS) AND HIS GENERALLY POOR PERFORMANCE AS A MARINE. CO-SUBJECT (b)(6), (b)(7)(C) AND CO-SUBJECT (b)(6), (b)(7)(C) WERE IMPLICATED IN THE INVESTIGATION AFTER COMMAND PERSONNEL REVEALED THAT THEY MAY HAVE ENCOURAGED THE ASSAULT AND MAY

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HAVE IMPEDED AN ONGOING NIS INVESTIGATION (REFERENCE (A) PERTAINS) BY HAVING ADVISED PLATOON MEMBERS THAT VICTIM HAD PROVIDED INFORMATION POSSIBLY DAMAGING TO PLATOON MEMBERS TO NIS. THIS INFORMATION WAS VERIFIED DURING INTERROGATIONS OF CO-SUBJECTS (b)(6), (b)(7)(C) HOWEVER, THEY DENIED ANY INTENT TO ENCOURAGE AN ASSAULT ON VICTIM OR TO IMPEDE NIS INVESTIGATIVE EFFORTS. HAVING BEEN MEDICALLY EVACUATED TO MIAMI, FL, VICTIM'S PRESENT CONDITION IS CONSIDERED "GOOD". THIS INVESTIGATION IS PENDING AN INTERVIEW OF VICTIM AND POSSIBLE INTERROGATIONS OF CO-SUBJECTS WHO PREVIOUSLY REQUESTED LEGAL ASSISTANCE.

STATUTES

2. ASSAULT COMMITTED BY MILITARY PERSONNEL IS A VIOLATION OF ARTICLE 128 OF THE UCMJ.

BACKGROUND

3. ON 27 JUL 86, NAVBASE GUANTANAMO BAY, CUBA SECURITY DEPARTMENT REPORTED THAT VICTIM HAD BEEN ASSAULTED IN HIS BARRACKS ROOM AND WAS PRESENTLY AT THE NAVAL BASE HOSPITAL. LIAISON WITH MEDICAL PERSONNEL DETERMINED THAT VICTIM WAS SUFFERING (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) HOSPITAL PERSONNEL SUSPECTED THAT VICTIM'S ASSAILANTS HAD POSSIBLY (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) COMMAND ADVISED THAT BARRACKS PERSONNEL HAD IDENTIFIED SUBJECT AND CO-SUBJECTS (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) COX, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) AS LOGICAL SUSPECTS IN THE ASSAULT. BARRACKS PERSONNEL ALSO IDENTIFIED SEVERAL POTENTIAL WITNESSES. VICTIM HAD PREVIOUSLY BEEN INTERVIEWED AT NISRA GUANTANAMO BAY, CUBA IN CONJUNCTION WITH AN INVESTIGATION INVOLVING POSSIBLE MISCONDUCT BY VICTIM'S PLATOON MEMBERS, REFERENCE (A) PERTAINS, AND HAD PROVIDED INFORMATION OF LIMITED SIGNIFICANCE.

CONTACT WITH NAVBASE SECURITY DEPARTMENT

4. BASE INVESTIGATORS (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) WERE CONTACTED AT THE NAVAL HOSPITAL GUANTANAMO BAY, CUBA. (b)(6), (b)(7)(C) ADVISED THAT VICTIM HAD BEEN BROUGHT INTO THE EMERGENCY ROOM BY (b)(6), (b)(7)(C) AT APPROXIMATELY 0350 HOURS. VICTIM AT THAT TIME HAD "ROPE MARKS" ON HIS WRISTS AND SECTIONS OF HAIR ON HIS HEAD APPEARED TO HAVE BEEN CUT. (b)(6), (b)(7)(C) DISCLOSED THAT HE HAD BEEN TOLD BY NAVAL HOSPITAL PERSONNEL THAT VICTIM'S NEXT DOOR NEIGHBORS ALLEGEDLY HEARD MOANING NOISES IN VICTIM'S ROOM AND UPON INVESTIGATING THESE NOISES DISCOVERED VICTIM IN HIS PRESENT CONDITION. (b)(6), (b)(7)(C) IDENTIFIED THE NEIGHBORS AS SUBJECT AND CO-SUBJECT COX. (27JUL86)

INTERVIEW OF MEDICAL PERSONNEL

5. (b)(6), (b)(7)(C) NAVAL HOSPITAL GUANTANAMO BAY, CUBA, WAS INTERVIEWED CONCERNING VICTIM'S CONDITION. (b)(6), (b)(7)(C) STATED THAT VICTIM WAS "CRITICAL" WITH LIFE THREATENING INJURIES POSSIBLY CAUSED BY HIS BEING INJECTED WITH OR FORCED TO DRINK A CHEMICAL SUBSTANCE SIMILAR TO ANTI-FREEZE OR VEHICLE WINDOW WASHER SOLVENT. (b)(6), (b)(7)(C) REVEALED THAT WHEN HE INQUIRED FROM VICTIM AS TO WHAT HAD OCCURRED VICTIM REPLIED THAT TWO INDIVIDUALS WEARING

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MASKS ENTERED VICTIM'S ROOM TIED VICTIM'S HANDS AND THEN BEAT VICTIM. (b)(6), (b)(7)(C) STATED VICTIM COULD NOT IDENTIFY ANYONE INVOLVED IN THE ASSAULT. (27JUL86)

6. (b)(6), (b)(7)(C) WAS INTERVIEWED CONCERNING VICTIM'S STATEMENTS REGARDING HIS ALLEGED ASSAULT. (b)(6), (b)(7)(C) STATED THAT HE HAD TAKEN X-RAYS OF VICTIM DURING WHICH TIME VICTIM STATED THAT FOUR OR FIVE GUYS HAD ENTERED VICTIM'S ROOM. AFTER ENTERING VICTIM'S ROOM VICTIM STATED THEY BLINDFOLDED AND TIED HIM, CHOKED HIM, AND THEN STUCK HIM WITH A NEEDLE. (b)(6), (b)(7)(C) STATED THAT VICTIM WAS IN SERIOUS CONDITION AND WAS COUGHING UP BLOOD FROM HIS LUNGS AS WELL AS COMPLAINING OF BLINDNESS. (27JUL86)

INTERVIEW OF VICTIM

7. AN ATTEMPT TO INTERVIEW VICTIM AT THE NAVAL HOSPITAL WAS MADE. VICTIM STATED THAT HE DID NOT KNOW EXACTLY WHO HAD ASSAULTED HIM BUT DID RECOGNIZE SOME OF THE VOICES. VICTIM WAS ASKED WHOSE VOICES HE RECOGNIZED. HE COULD NOT STATE A SPECIFIC NAME BUT ADVISED THEY WERE MEMBERS OF HIS PLATOON. VICTIM ALSO STATED THAT HE HAD BEEN CALLED A RAT FOR TALKING TO SPECIAL AGENT (b)(6), (b)(7)(C) REFERENCE (A) PERTAINS. DUE TO MEDICAL REQUIREMENTS TO TREAT VICTIM AND VICTIM'S SEMI-CONSCIOUS STATE THE INTERVIEW OF THE VICTIM HAD TO BE TERMINATED. (27JUL86)

CRIME SCENE EXAMINATION

8. ON 27 JUL 86, A CRIME SCENE EXAMINATION WAS CONDUCTED OF VICTIM'S BEQ ROOM IN (b)(6), (b)(7)(C) PRIOR TO THE EXAMINATION, COMMAND AUTHORIZATION FOR SEARCH AND SEIZURE WAS OBTAINED FROM THE COMMANDING OFFICER, MARINE BARRACKS/GROUND DEFENSE FORCE, EXHIBIT (1) PERTAINS. AN INSPECTION OF THE TILE FLOOR ADJACENT AND BELOW VICTIM'S BED REVEALED WHAT RESEMBLED CIRCULAR PATTERNED SMEARED BLOOD STAINS, POSSIBLY INDICATING THAT AN ATTEMPT HAD BEEN MADE TO REMOVE BLOOD STAINS FROM THE FLOOR. THE FOLLOWING ITEMS WERE SEIZED FROM VICTIM'S ROOM AND ENTERED INTO THE NISRA EVIDENCE CUSTODY SYSTEM:

(1) PILLOWCASE AND (2) SHEETS REMOVED FROM VICTIM'S ROOM AND CONTAINING SUSPECTED BLOOD STAINS AND HEAD HAIR

(1) WHITE DRESS SHIRT WITH SUSPECTED BLOOD STAINS (SEIZED FROM UNDER VICTIM'S BED)

(1) "BALL" OF BLOOD SOAKED CLOTH WRAPPED WITH TAPE (DISCOVERED BETWEEN CONCRETE CEILING AND DROP CEILING TILES) OVER VICINITY OF VICTIM'S BED) - THIS ITEM WAS PRESUMABLY UTILIZED TO "GAG" VICTIM

PHOTOGRAPHS OF THE CRIME SCENE ARE APPENDED TO THIS REPORT AS EXHIBITS (2) THROUGH (4) AND DEPICT THE FOLLOWING:

- (2) VICTIM'S BED AND VICINITY
- (3) A DRESS WHITE SHIRT WITH SUSPECTED BLOOD STAINS
- (4) "BALL" OF BLOOD STAINED WHITE CLOTH BOUND WITH TAPE

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THE NEGATIVES FOR THESE AND ADDITIONAL PHOTOGRAPHS TAKEN WILL BE FORWARDED TO NISHQ FOR PERMANENT RETENTION.

(b)(6), (b)(7)(C) /27JUL86)

CONTACT WITH MARINE BARRACKS

9. CO-SUBJECT (b)(6), (b)(7)(C) WAS CONTACTED AT THE RIFLE SECURITY COMPANY (RSC) HEADQUARTERS, MARINE BARRACKS, NAVBASE GUANTANAMO BAY, CUBA. HE ADVISED THAT UPON BEING ADVISED OF THE ASSAULT, HE HAD MUSTERED THE MEMBERS OF VICTIM'S PLATOON AND HAD SUBSEQUENTLY IDENTIFIED SUBJECT AND CO-SUBJECTS (b)(6), (b)(7)(C) COX, (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) AS HAVING POSSIBLY BEEN INVOLVED IN THE ASSAULT. HE HAD REPORTEDLY REQUIRED THE AFOREMENTIONED PLATOON MEMBERS TO REMAIN IN A CLASSROOM FOR POSSIBLE QUESTIONING. CO-SUBJECT (b)(6), (b)(7)(C) THE PLATOON COMMANDER, ADVISED THAT SUBJECT HAD REQUESTED LEGAL ASSISTANCE AND WAS PRESENTLY CONFERRING WITH (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, JAGC, NAVY LEGAL SERVICES OFFICE. CO-SUBJECT (b)(6), (b)(7)(C) ADVISED THAT HE HAD EXPEDITIOUSLY CONTACTED (b)(6), (b)(7)(C) IN THE HOPES THAT SUBJECT WOULD REVEAL TO (b)(6), (b)(7)(C) IF AND WHAT SUBSTANCES HAD BEEN FORCED INTO VICTIM'S BODY. AFTER AN INTERVIEW OF SUBJECT, (b)(6), (b)(7)(C) STATED THAT SUBJECT WAS APPARENTLY UNAWARE OF ANY SUBSTANCES HAVING BEEN FORCED INTO VICTIM'S BODY.

(b)(6), (b)(7)(C) 27JUL86)

INTERVIEW OF (b)(6), (b)(7)(C)

10. (b)(6), (b)(7)(C) WAS INTERVIEWED AT THE MARINE BARRACKS COMPOUND CONCERNING HIS KNOWLEDGE OF THE ASSAULT OF VICTIM. (b)(6), (b)(7)(C) ADVISED HE HAD BEEN IN THE ADJOINING ROOM WHEN HE HEARD NOISES COMING FROM VICTIM'S QUARTERS. UPON INVESTIGATING THESE NOISES (b)(6), (b)(7)(C) DISCOVERED VICTIM LYING ON THE FLOOR WITH HIS HANDS TIED BEHIND HIS BACK BLEEDING FROM THE FACIAL AREA. (b)(6), (b)(7)(C) WAS ABLE TO IDENTIFY SUBJECT, CO-SUBJECTS (b)(6), (b)(7)(C) COX, (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) AS BEING IN OR COMING FROM VICTIM'S ROOM. (b)(6), (b)(7)(C) STATEMENT IS APPENDED AS EXHIBIT (5).

(b)(6), (b)(7)(C) 27,28JUL86)

INTERVIEW OF (b)(6), (b)(7)(C)

11. (b)(6), (b)(7)(C) WAS INTERVIEWED AT THE MARINE BARRACKS COMPOUND CONCERNING HIS KNOWLEDGE OF VICTIM'S ASSAULT. (b)(6), (b)(7)(C) ADVISED HE WAS ONE OF VICTIM'S ROOMMATES AND THAT IN THE EARLY HOURS OF 26 JUL 86 HE HAD BEEN TOLD BY SUBJECT AND CO-SUBJECT COX THAT HE, (b)(6), (b)(7)(C) WAS NOT GOING TO BE SLEEPING IN HIS ROOM THAT NIGHT. (b)(6), (b)(7)(C) LATER IN THE EVENING WAS PRESENT IN A ROOM WITH SUBJECT AND CO-SUBJECTS (b)(6), (b)(7)(C) COX, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) WHEN THEY WERE DISCUSSING HOW THEY WERE GOING TO GET EVEN WITH (b)(6), (b)(7)(C) WHICH IS (b)(6), (b)(7)(C) CO-SUBJECT (b)(6), (b)(7)(C) REQUESTED THAT (b)(6), (b)(7)(C) SUPPLY A KEY TO HIS ROOM AND (b)(6), (b)(7)(C) DID SO. (b)(6), (b)(7)(C) STATEMENT IS APPENDED AS EXHIBIT (6).

(b)(6), (b)(7)(C) 27,28JUL86)

INTERVIEW WITH (b)(6), (b)(7)(C)

12. (b)(6), (b)(7)(C) WAS INTERVIEWED AT THE MARINE BARRACKS COMPOUND CONCERNING HIS KNOWLEDGE OF THE ASSAULT ON VICTIM. (b)(6), (b)(7)(C) DISCLOSED THAT HE HAS A ROOM IN A SEPARATE QUAD WHICH IS ADJACENT TO VICTIM'S ROOM. (b)(6), (b)(7)(C) REVEALED THAT HE AND (b)(6), (b)(7)(C)

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(b)(6), (b)(7)(C) WERE SITTING IN HIS ROOM WATCHING TV WHEN THEY HEARD SOUNDS COMING FROM VICTIM'S ROOM. UPON INVESTIGATING THESE SOUNDS WITH (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) WAS ABLE TO IDENTIFY SUBJECT, CO-SUBJECTS (b)(6), (b)(7)(C) COX, (b)(6), (b)(7)(C) IN OR COMING FROM (b)(6), (b)(7)(C) ROOM. (b)(6), (b)(7)(C) STATEMENT IS APPENDED AS EXHIBIT (7). (b)(6), (b)(7)(C) 27,30JUL86)

INTERROGATION OF CO-SUBJECT (b)(6), (b)(7)(C)

13. CO-SUBJECT (b)(6), (b)(7)(C) WAS ADVISED OF HIS RIGHTS AND INTERROGATED AT NISRA GUANTANAMO BAY, CUBA. CO-SUBJECT (b)(6), (b)(7)(C) ADMITTED TO BEING INVOLVED WITH SUBJECT, CO-SUBJECTS (b)(6), (b)(7)(C) COX, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) IN THE PLANNING AND ASSAULT OF VICTIM. CO-SUBJECT (b)(6), (b)(7)(C) STATEMENT IS APPENDED AS EXHIBIT (8). (b)(6), (b)(7)(C) 27JUL86)

INTERROGATION OF CO-SUBJECT (b)(6), (b)(7)(C)

14. CO-SUBJECT (b)(6), (b)(7)(C) WAS ADVISED OF HIS RIGHTS AND INTERROGATED AT NISRA GUANTANAMO BAY, CUBA. CO-SUBJECT (b)(6), (b)(7)(C) ADMITTED INVOLVEMENT IN THE ASSAULT OF VICTIM. (b)(6), (b)(7)(C) ADDITIONALLY PROVIDED SIGNIFICANT INFORMATION CONCERNING HIS INVOLVEMENT IN A SEPARATE NIS INVESTIGATION, REFERENCE (A) PERTAINS. (b)(6), (b)(7)(C) STATEMENT IS APPENDED AS EXHIBIT (9). (b)(6), (b)(7)(C) 27JUL86)

INTERROGATION OF CO-SUBJECT (b)(6), (b)(7)(C)

15. CO-SUBJECT (b)(6), (b)(7)(C) WAS ADVISED OF HIS RIGHTS AND INTERROGATED AT NISRA GUANTANAMO BAY, CUBA. CO-SUBJECT (b)(6), (b)(7)(C) ADMITTED TO HIS INVOLVEMENT IN THE ASSAULT OF VICTIM. (b)(6), (b)(7)(C) ADDITIONALLY IDENTIFIED SUBJECT, CO-SUBJECTS (b)(6), (b)(7)(C) COX, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) AS BEING INVOLVED IN THE ASSAULT OF VICTIM. (b)(6), (b)(7)(C) STATEMENT IS APPENDED AS EXHIBIT (10). (27JUL86)

INTERROGATION OF CO-SUBJECT (b)(6), (b)(7)(C)

16. CO-SUBJECT (b)(6), (b)(7)(C) WAS ADVISED OF HIS RIGHTS AND INTERROGATED AT NISRA GUANTANAMO BAY, CUBA. (b)(6), (b)(7)(C) ADMITTED TO BEING INVOLVED IN THE ASSAULT OF VICTIM. CO-SUBJECT (b)(6), (b)(7)(C) IDENTIFIED SUBJECT, CO-SUBJECTS (b)(6), (b)(7)(C) COX, (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) AS BEING INVOLVED IN THE ASSAULT OF VICTIM. (b)(6), (b)(7)(C) STATEMENT IS APPENDED AS EXHIBIT (11). (b)(6), (b)(7)(C) 27JUL86)

ATTEMPTED INTERROGATIONS

17. ON 27 JUL 86, CO-SUBJECTS (b)(6), (b)(7)(C) COX, (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) WERE ADVISED OF THEIR RIGHTS AND THEY DECLINED TO SUBMIT TO INTERROGATION AND/OR REQUESTED LEGAL COUNSEL. (b)(6), (b)(7)(C) NOTED SUPRA, DECLINED TO AUTHORIZE AN INTERROGATION OF SUBJECT. (27JUL86)

INTERVIEW (b)(6), (b)(7)(C)

18. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) VICTIM'S ROOMMATE, WAS INTERVIEWED AT NISRA GUANTANAMO BAY, CUBA REGARDING HIS KNOWLEDGE OF THE ASSAULT ON VICTIM. (b)(6), (b)(7)(C) STATED HE HAD BEEN TOLD BY CO-SUBJECT COX ON SATURDAY AFTERNOON, 26 JUL 86, THAT HE, (b)(6), (b)(7)(C) NEEDED TO GO SOMEWHERE OTHER THAN HIS BEQ ROOM THAT EVENING. (b)(6), (b)(7)(C) STATED HE WENT TO (b)(6), (b)(7)(C) ROOM TO WATCH TV. AT

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APPROXIMATELY 2130 HOURS HE LEFT (b)(6), (b)(7)(C) ROOM AND WENT TO CO-SUBJECT (b)(6), (b)(7)(C) ROOM TO BORROW A VIDEO TAPE. AT THAT TIME (b)(6), (b)(7)(C) STATED HE OBSERVED SUBJECT AND CO-SUBJECTS (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) WATCHING A VIDEO IN (b)(6), (b)(7)(C) ROOM. HE WAS UNABLE TO PROVIDE ANY ADDITIONAL SIGNIFICANT INFORMATION.

(28JUL86)

INTERVIEW WITH (b)(6), (b)(7)(C)

19. (b)(6), (b)(7)(C) WAS INTERVIEWED AT NISRA GUANTANAMO BAY, CUBA REGARDING HIS KNOWLEDGE OF THE ASSAULT TO VICTIM. (b)(6), (b)(7)(C) DISCLOSED THAT CO-SUBJECT (b)(6), (b)(7)(C) HAD ASSEMBLED ALL THE SQUAD LEADERS FOR THE PLATOON AND IN THE MEETING WITH THE SQUAD LEADERS DISCLOSED THAT VICTIM HAD BEEN TALKING WITH NIS CONCERNING AN INVESTIGATION (REFERENCE (A) PERTAINS). HE PROVIDED A WRITTEN STATEMENT, EXHIBIT (12) PERTAINS, DETAILING COMMENTS MADE BY CO-SUBJECT (b)(6), (b)(7)(C) WHICH WERE IN HIS OPINION, ENCOURAGING AN ASSAULT ON VICTIM.

(30JUL86)

INTERVIEW OF (b)(6), (b)(7)(C)

20. (b)(6), (b)(7)(C) WAS INTERVIEWED AT NISRA GUANTANAMO BAY, CUBA CONCERNING HIS KNOWLEDGE OF THE ASSAULT TO VICTIM. (b)(6), (b)(7)(C) REVEALED THAT HE HAD BEEN IN ATTENDANCE OF A MEETING IN WHICH CO-SUBJECT (b)(6), (b)(7)(C) ADVISED THE ENTIRE PLATOON THAT AN INDIVIDUAL WITHIN THE PLATOON HAD LOST ALL LOYALTY TO THE COMPANY AND HAD BEEN TALKING TO NIS REGARDING AN INVESTIGATION, REFERENCE (A) PERTAINS. (b)(6), (b)(7)(C) THEN DISCLOSED THAT HE HAD ATTENDED A SECOND MEETING WITH CO-SUBJECT (b)(6), (b)(7)(C) DURING WHICH CO-SUBJECT (b)(6), (b)(7)(C) REVEALED VICTIM HAD BEEN THE INDIVIDUAL WHO HAD BEEN TALKING TO NIS. CO-SUBJECT (b)(6), (b)(7)(C) ADDITIONALLY STATED THAT HE DID NOT WANT VICTIM TO BE HURT, BUT, "IF VICTIM FELL DOWN A FLIGHT OF STAIRS WHAT COULD WE DO ABOUT IT." (b)(6), (b)(7)(C) REVEALED THAT HE GOT THE SPECIFIC IMPRESSION THAT CO-SUBJECT (b)(6), (b)(7)(C) WANTED SOMETHING DONE TO VICTIM. (b)(6), (b)(7)(C) STATEMENT IS APPENDED AS EXHIBIT (13).

(30JUL86)

INTERVIEW OF (b)(6), (b)(7)(C)

21. (b)(6), (b)(7)(C) WAS INTERVIEWED CONCERNING HIS KNOWLEDGE OF THE ASSAULT TO VICTIM. (b)(6), (b)(7)(C) DISCLOSED THAT HE HAD BEEN IN A MEETING IN WHICH CO-SUBJECT (b)(6), (b)(7)(C) INFORMED CO-SUBJECT (b)(6), (b)(7)(C) THAT VICTIM HAD INFORMED NIS CONCERNING MARINES FIRING THEIR WEAPONS WHILE ON POST. (b)(6), (b)(7)(C) REVEALED THAT CO-SUBJECT (b)(6), (b)(7)(C) WANTED TO TELL THE MEMBERS OF THE PLATOON BUT THAT CO-SUBJECT (b)(6), (b)(7)(C) AGREED WITH (b)(6), (b)(7)(C) THAT IT WAS NOT A GOOD IDEA. (b)(6), (b)(7)(C) REVEALED THAT HE HAD LEARNED SOMETIME AFTER THE MEETING BETWEEN THE PLATOON SQUAD LEADERS AND CO-SUBJECT (b)(6), (b)(7)(C) THAT CO-SUBJECT (b)(6), (b)(7)(C) HAD IDENTIFIED VICTIM TO THE SQUAD LEADERS AS THE PERSON WHO HAD BEEN INFORMING THE SQUAD'S ACTIVITIES TO NIS. (b)(6), (b)(7)(C) STATEMENT IS APPENDED AS EXHIBIT (14).

(b)(6), (b)(7)(C) 30JUL86)

INTERVIEW OF (b)(6), (b)(7)(C)

22. (b)(6), (b)(7)(C) WAS INTERVIEWED CONCERNING HIS KNOWLEDGE OF THE ASSAULT ON VICTIM. (b)(6), (b)(7)(C) REVEALED HE HAD BEEN IN A MEETING WITH CO-SUBJECT (b)(6), (b)(7)(C) THEN CO-SUBJECT (b)(6), (b)(7)(C) ADVISED THAT VICTIM HAD BEEN TALKING TO NIS CONCERNING INCIDENTS THAT

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HAD OCCURRED ON THE FENCELINE. (b)(6), (b)(7)(C) NOTED THAT ACCORDING TO CO-SUBJECT (b)(6), (b)(7)(C) HAD INFORMED BOTH PLATOON COMMANDERS ABOUT VICTIM AND HAD ASKED (b)(6), (b)(7)(C) TO TRANSFER VICTIM OUT OF THE PLATOON. CO-SUBJECT (b)(6), (b)(7)(C) FULLY STATED THAT (b)(6), (b)(7)(C) HAD DENIED THIS REQUEST OF TRANSFER. (b)(6), (b)(7)(C) ADDITIONALLY NOTED THAT HE HAD BEEN PRESENT WHEN CO-SUBJECT (b)(6), (b)(7)(C) TOLD (b)(6), (b)(7)(C) TO HAVE ALL THE SQUAD LEADERS STANDBY IN THE PLATOON'S CLASSROOM AFTER THE PLATOON'S MEETING WITH CO-SUBJECT (b)(6), (b)(7)(C) ADVISED THAT (b)(6), (b)(7)(C) TOLD CO-SUBJECT (b)(6), (b)(7)(C) HE SHOULD NOT BE DOING THIS BUT THEN (b)(6), (b)(7)(C) CARRIED OUT CO-SUBJECT (b)(6), (b)(7)(C) ORDERS. (b)(6), (b)(7)(C) STATEMENT IS APPENDED AS EXHIBIT (15). (b)(6), (b)(7)(C) /30JUL86

INTERVIEW WITH (b)(6), (b)(7)(C) 23. (b)(6), (b)(7)(C) WAS INTERVIEWED AT NISRA GUANTANAMO BAY, CUBA. (b)(6), (b)(7)(C) ADMITTED TO BEING PRESENT DURING A MEETING WITH HIS PLATOON IN WHICH CO-SUBJECT (b)(6), (b)(7)(C) ADVISED THE ENTIRE PLATOON ABOUT AN NIS INVESTIGATION INTO ACTIVITIES ON THE PERIMETER FENCELINE. CO-SUBJECT (b)(6), (b)(7)(C) ALSO ADVISED THE PLATOON THAT A MEMBER OF THE PLATOON HAD INFORMED NIS CONCERNING THESE ACTIVITIES. (b)(6), (b)(7)(C) DISCLOSED HE WAS ALSO PRESENT DURING A MEETING IN WHICH CO-SUBJECT (b)(6), (b)(7)(C) ADVISED THE SQUAD LEADERS FOR THE PLATOON THAT THE INFORMER WAS VICTIM. (b)(6), (b)(7)(C) WOULD NOT PROVIDE A STATEMENT. THE RESULTS OF INTERVIEW WITH (b)(6), (b)(7)(C) ARE APPENDED AS EXHIBIT (16). (b)(6), (b)(7)(C) /30JUL86

INTERVIEW (b)(6), (b)(7)(C) 24. (b)(6), (b)(7)(C) WAS INTERVIEWED AT NISRA GUANTANAMO BAY, CUBA. (b)(6), (b)(7)(C) STATED THAT ON FRIDAY, 25 JUL 86, HE HAD ATTENDED A MEETING HELD BY CO-SUBJECT (b)(6), (b)(7)(C) DURING WHICH CO-SUBJECT (b)(6), (b)(7)(C) TOLD THE PLATOON THAT SOMEONE IN THE PLATOON HAD BEEN TALKING TO NIS. LATER THAT SAME NIGHT (b)(6), (b)(7)(C) HAD OVERHEARD CO-SUBJECT COX WHO LIVED IN THE SAME QUAD AS (b)(6), (b)(7)(C) SAY THAT WE SHOULD GET THIS "LITTLE SNITCH". (b)(6), (b)(7)(C) COMMENTED THAT HE HAD NO KNOWLEDGE OF THE PLANS TO ASSAULT VICTIM AND KNEW NOTHING ABOUT THE SITUATION UNTIL HE WAS AWOKEN BY (b)(6), (b)(7)(C) TALKING TO SUBJECT. (b)(6), (b)(7)(C) REVEALED HE HAD ENTERED VICTIM'S ROOM, ASSISTED SUBJECT IN CLEANING THE BLOOD FROM VICTIM'S FACE. (b)(6), (b)(7)(C) NOTED THAT THE FLOOR WAS COVERED WITH BLOOD AND HAIR AND PRIOR TO NIS' ARRIVAL, (b)(6), (b)(7)(C) STATED HE HEARD RUMORS THAT CO-SUBJECT COX HAD COMPLETELY CLEANED THE ROOM. RESULTS OF INTERVIEW WITH (b)(6), (b)(7)(C) ARE APPENDED AS EXHIBIT (17). (b)(6), (b)(7)(C) /30JUL86

ADDITIONAL CRIME SCENE SEARCH

25. A CRIME SCENE SEARCH OF THE AREA BEHIND THE MARINE BARRACKS, NAVBASE GUANTANAMO BAY, CUBA WAS CONDUCTED UTILIZING THE INFORMATION OBTAINED FROM (b)(6), (b)(7)(C) EXHIBIT (5) PERTAINS, (b)(6), (b)(7)(C) EXHIBIT (7) PERTAINS, AND (b)(6), (b)(7)(C) EXHIBIT (17) PERTAINS. THE AREA SEARCHED WAS THAT IN WHICH CO-SUBJECT COX WAS OBSERVED RETURNING FROM DURING (b)(6), (b)(7)(C) INVESTIGATION OF NOISES IN VICTIM'S ROOM. SEARCH OF THE BRUSH AREA ON A HILL DIRECTLY BEHIND THE MARINE BARRACKS MESS HALL LED TO THE SEIZURE OF FOUR SECTIONS OF WHITE PAPER TOWELING WITH BLOOD STAINS, ONE BLOOD STAINED LIGHT BLUE CLOTH TOWEL, AND ONE BROWN CLOTH TOWEL. THESE ITEMS MATCH THE DESCRIPTION OF ITEMS SEEN AT THE CRIME SCENE BY (b)(6), (b)(7)(C) EXHIBIT (17) PERTAINS. THESE ITEMS WERE SEIZED AND ENTERED TO NIS EVIDENCE CUSTODY SYSTEM.

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(WHITTAKER/BALDWIN/30JUL86)

INTERROGATION OF CO-SUBJECT (b)(6), (b)(7)(C)

26. CO-SUBJECT (b)(6), (b)(7)(C) WAS ADVISED OF HIS RIGHTS AND INTERROGATED AT NISRA GUANTANAMO BAY, CUBA. HE ADMITTED TO HAVING ADVISED THE PLATOON SQUAD LEADERS OF VICTIM'S COOPERATION WITH NIS. HE ALSO ADMITTED THAT HE HAD MADE COMMENTS WHICH COULD HAVE BEEN CONSTRUED AS CONDONING AN ASSAULT ON VICTIM; HOWEVER, HE DENIED ANY ATTEMPT TO ENCOURAGE THE ASSAULT OR TO IMPEDE AN NIS INVESTIGATION. HE DECLINED TO PROVIDE A WRITTEN STATEMENT. THE RESULTS OF THIS INTERVIEW AS RECORDED BY SPECIAL AGENT (b)(6), (b)(7)(C) ARE APPENDED AS EXHIBIT (18).

(b)(6), (b)(7)(C) 30 JUL 86)

REINTERVIEW OF (b)(6), (b)(7)(C)

27. (b)(6), (b)(7)(C), USMC, NOTED SUPRA IN PARA 18, WAS REINTERVIEWED CONCERNING THE CONDITION OF VICTIM PRIOR TO THE ASSAULT. (b)(6), (b)(7)(C) DISCLOSED THAT HE HAD OBSERVED VICTIM BETWEEN THE HOURS OF 1800 AND 1830 ON 27 JUL 86. AT THAT TIME (b)(6), (b)(7)(C) STATED THAT VICTIM WAS WEARING WHITE SHORTS, A BLUE T-SHIRT WITH A DESIGN, AND A WHITE LONG SLEEVE DRESS SHIRT UNBUTTONED OVER THE BLUE T-SHIRT. (b)(6), (b)(7)(C) STATED VICTIM WAS AN IMMACULATE DRESSER AND THAT HE HAD OBSERVED NO BLOOD STAINS OR OTHER TYPE OF STAINING ON VICTIM'S WHITE SHIRT, AS REPORTED BY CO-SUBJECT (b)(6), (b)(7)(C) IN EXHIBIT (18). (31 JUL 86)

INTERROGATION OF CO-SUBJECT (b)(6), (b)(7)(C)

28. ON 01 AUG 86, CO-SUBJECT (b)(6), (b)(7)(C) WAS ADVISED OF HIS RIGHTS AND INTERROGATED AT THE NISRA. HE ADMITTED THAT HE HAD INFORMED VICTIM'S PLATOON ON 25 JUL 86 THAT AN UNIDENTIFIED MEMBER OF THE PLATOON HAD PROVIDED INFORMATION DAMAGING TO PLATOON MEMBERS TO NIS. HE PROVIDED A WRITTEN STATEMENT WHICH IS APPENDED AS EXHIBIT (19).

(b)(6), (b)(7)(C) 01 AUG 86)

INVESTIGATIVE STATUS

29. THIS INVESTIGATION IS PENDING AN INTERVIEW OF VICTIM AND POSSIBLE REINTERROGATIONS OF CO-SUBJECTS AWAITING LEGAL COUNSEL. IT IS ANTICIPATED THAT LEADS SET FORTH VIA SEPARATE CORRESPONDENCE REQUESTING AN INTERVIEW OF VICTIM WILL BE COMPLETED IN THE IMMEDIATE FUTURE.

EXHIBITS

- (1) AUTHORIZATION SEARCH AND SEIZURE (PARA 8)/27JUL86...(ORIG REQ/COPY ALL)
- (2) PHOTOGRAPH OF CRIME SCENE (PARA 8)...(ORIG REQ/COPY ALL)
- (3) PHOTOGRAPH OF CRIME SCENE (PARA 8)...(ORIG REQ/COPY ALL)
- (4) PHOTOGRAPH OF CRIME SCENE (PARA 8)...(ORIG REQ/COPY ALL)
- (5) STATEMENT - (b)(6), (b)(7)(C) (PARA 10)/28JUL86...(ORIG REQ/COPY ALL)
- (6) STATEMENT - (b)(6), (b)(7)(C) (PARA 11)/28JUL86...(ORIG REQ/COPY ALL)
- (7) STATEMENT - (b)(6), (b)(7)(C) (PARA 12)/30JUL86...(ORIG REQ/COPY ALL)
- (8) STATEMENT - CO-SUBJECT (b)(6), (b)(7)(C) (PARA 13)/27JUL86...(ORIG REQ/COPY ALL)
- (9) STATEMENT - CO-SUBJECT (b)(6), (b)(7)(C) (PARA 14)/27JUL86...(ORIG REQ/COPY ALL)
- (10) STATEMENT - CO-SUBJECT (b)(6), (b)(7)(C) (PARA 15)/27JUL86...(ORIG REQ/COPY ALL)

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COPY ALL)

- (11) STATEMENT - CO-SUBJECT (b)(6), (b)(7)(C) (PARA 16)/27JUL86...(ORIG REQ/COPY ALL)
- (12) STATEMENT - (b)(6), (b)(7)(C) (PARA 19)/30JUL86...(ORIG REQ/COPY ALL)
- (13) STATEMENT - (b)(6), (b)(7)(C) (PARA 20)/30JUL86...(ORIG REQ/COPY ALL)
- (14) STATEMENT - (b)(6), (b)(7)(C) (PARA 21)/30JUL86...(ORIG REQ/COPY ALL)
- (15) STATEMENT - (b)(6), (b)(7)(C) (PARA 22)/30JUL86...(ORIG REQ/COPY ALL)
- (16) RESULTS OF INTERVIEW - (b)(6), (b)(7)(C) (PARA 23)/30JUL86...(ORIG REQ/COPY ALL)
- (17) RESULTS OF INTERVIEW - (b)(6), (b)(7)(C) (PARA 24)/30JUL86...(ORIG REQ/COPY ALL)
- (18) RESULTS OF INTERVIEW - (b)(6), (b)(7)(C) (PARA 26)/31JUL86...(ORIG REQ/COPY ALL)
- (19) STATEMENT - (b)(6), (b)(7)(C) (PARA 28)/03AUG86...(ORIG REQ/COPY ALL)

PARTICIPATING AGENTS

(b)(6), (b)(7)(C) S/A (NISRA GUANTANAMO BAY, CUBA)
(b)(6), (b)(7)(C) S/A (NISRA GUANTANAMO BAY, CUBA)
(b)(6), (b)(7)(C) INVESTIGATOR (NAVSTA SECURITY DEPT)
(b)(6), (b)(7)(C) INVESTIGATOR (NAVSTA SECURITY DEPT)

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(b)(6), (b)(7)(C)

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STATEMENT

PLACE: NISRA GUANTANAMO BAY, CUBA

DATE: 28 JULY 86

I, (b)(6), (b)(7)(C), make the following free and voluntary statement to (b)(6), (b)(7)(C), whom I know to be a Special Agent of the United States Naval Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended.

FOR BIOGRAPHICAL INFORMATION I AM A (b)(6), (b)(7)(C) BORN (b)(6), (b)(7)(C) MY SOCIAL SECURITY NUMBER IS (b)(6), (b)(7)(C) I AM PRESENTLY ASSIGNED TO THE MARINE BARRACKS CHOW HALL, NAVBASE GUANTANAMO BAY, CUBA.

IN THE EARLY MORNING HOURS ON 27 JUL 86, I WAS GOING TO (b)(6), (b)(7)(C) ROOM TO WATCH TV WHEN I HEARD SOME LOUD NOISE IN (b)(6), (b)(7)(C) ROOM. I WENT IN TO (b)(6), (b)(7)(C) ROOM AND OBSERVED EIGHT TO NINE INDIVIDUALS IN THE ROOM DRINKING. THERE WERE A COUPLE OF INDIVIDUALS WHOM I DID NOT KNOW BESIDES (b)(6), (b)(7)(C) COX, AND (b)(6), (b)(7)(C) I TOLD THEM TO QUIET DOWN OR SOMEONE WOULD HEAR ALL THE NOISE THEY WERE MAKING. I THEN WENT INTO (b)(6), (b)(7)(C) ROOM TO WATCH TV. ABOUT 0130 HOURS I TOLD (b)(6), (b)(7)(C) WAS TIRED AND WAS GOING BACK TO MY ROOM TO GO TO SLEEP. (b)(6), (b)(7)(C) TOLD ME TO STICK AROUND BECAUSE SOMETHING WAS GOING TO HAPPEN; SOMEONE WAS GOING TO GET JUMPED. I ASKED WHO AND (b)(6), (b)(7)(C) SAID IT MAY BE (b)(6), (b)(7)(C) I ASKED HIM WHY AND (b)(6), (b)(7)(C) SAID BECAUSE (b)(6), (b)(7)(C) WROTE A LETTER TO HIS SENATOR SAYING (b)(6), (b)(7)(C) WAS SCREWING WITH (b)(6), (b)(7)(C) ALSO WAS SUPPOSE TO BE CAUSING PROBLEMS FOR THE PLATOON'S CAPTAIN AND LIEUTENANT. I SAT THERE FOR AWHILE LONGER AND STARTED HEARING NOISES FROM THE ROOM THAT IS ADJACENT TO (b)(6), (b)(7)(C) THIS ROOM IS IN THE NEXT QUAD AND IS THE ONE IN WHICH (b)(6), (b)(7)(C) IS ASSIGNED. WE WENT INTO (b)(6), (b)(7)(C) BATHROOM WHICH IS DIRECTLY ADJACENT TO (b)(6), (b)(7)(C) BATHROOM AND TRIED TO SEE WHAT WAS GOING ON THROUGH AN EMERGENCY DOOR. (b)(6), (b)(7)(C) STOOD ON A CHAIR AND COULD LOOK INTO (b)(6), (b)(7)(C) ROOM DUE TO LOOSE MOLDING ON TOP OF THE DOOR. (b)(6), (b)(7)(C) STATED HE COULD SEE (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) IN (b)(6), (b)(7)(C) BATHROOM. I ASKED (b)(6), (b)(7)(C) WHAT WAS GOING ON AND (b)(6), (b)(7)(C) SAID (b)(6), (b)(7)(C) MAY BE HURT. I THEN STARTED HEARING GAGGING SOUNDS OR SOUNDS LIKE SOMEONE WAS GASPING FOR AIR. (b)(6), (b)(7)(C) SAID HE TRIED TO TALK THEM OUT OF DOING THIS BUT THEY WOULDN'T LISTEN. (b)(6), (b)(7)(C) THEN TOLD ME THAT THE ONLY THING THEY WERE GOING TO DO WAS TO (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) SAID WE SHOULD STAY OUT OF THIS BUT I TOLD HIM IT WAS OUR DUTY TO FIND OUT WHAT WAS HAPPENING. (b)(6), (b)(7)(C) AND I THEN WALKED OVER TO (b)(6), (b)(7)(C) QUAD. BEFORE WE ENTERED THE QUAD WE SAW COX COMING FROM THE LAUNDRY ROOM AREA TO (b)(6), (b)(7)(C) QUAD. COX IS ASSIGNED TO ONE OF THE ROOMS IN (b)(6), (b)(7)(C) QUAD. WE ASKED COX WHERE HE HAD BEEN AND HE SAID SOMETHING ABOUT SOMEONE BEING DRUNK. WE THEN SAW (b)(6), (b)(7)(C) COMING OUT OF (b)(6), (b)(7)(C) QUAD. THEY LOOK TIRED AS THOUGH THEY HAD BEEN EXERCISING. THEY TOOK A COUPLE OF STEPS BEFORE THEY ALL STARTED RUNNING FROM THE QUAD. WE ENTERED (b)(6), (b)(7)(C) QUAD AND OBSERVED THE DOOR TO COX'S ROOM WAS OPEN AND I LOOKED IN AND SAW NO ONE IN COX'S ROOM. I PUT MY EAR TO (b)(6), (b)(7)(C) DOOR AND COULD HEAR SOMEONE MOVING AROUND IN THE ROOM AND GAGGING NOISES. I KNOCKED ON THE DOOR AND IT TOOK A COUPLE OF MINUTES BEFORE (b)(6), (b)(7)(C) OPENED THE DOOR. I ASKED IF EVERYTHING WAS ALL RIGHT.

(b)(6), (b)(7)(C)

END OF PAGE ONE

(b)(6), (b)(7)(C)

ASSURED ME THAT EVERYTHING WAS ALL RIGHT. I THEN ASKED HIM ABOUT THE FUNNY BREATHING NOISES THAT SOUNDED LIKE SOMEONE WAS GAGGING. (b)(6), (b)(7)(C) TOLD ME IT WAS HIS ROOMMATE SNORING. WHEN I ASKED IF I COULD COME IN AND CHECK HIS ROOMMATE, (b)(6), (b)(7)(C) SLIPPED OUT OF THE ROOM AND CLOSED THE DOOR BEHIND HIM. AT THIS POINT, (b)(6), (b)(7)(C) WOULD NOT LET ME INTO THE ROOM. (b)(6), (b)(7)(C) THEN SAID COME TO MY ROOM, (b)(6), (b)(7)(C) AND I WILL EXPLAIN EVERYTHING. (b)(6), (b)(7)(C) AND I FOLLOWED (b)(6), (b)(7)(C) TO HIS ROOM. (b)(6), (b)(7)(C) EXPLAINED THAT (b)(6), (b)(7)(C) WAS CONTINUALLY SCREWING UP IN THE PLATOON AND THAT HE HAD WRITTEN A LETTER TO HIS CONGRESSMAN STATING THAT (b)(6), (b)(7)(C) WAS SCREWING UP DOWN HERE IN GTMO. (b)(6), (b)(7)(C) WAS ALSO SUPPOSE TO BE MAKING HIS CAPTAIN AND LIEUTENANT LOOK BAD. (b)(6), (b)(7)(C) SAID ALL WE WANTED TO DO WAS GET BACK AT HIM BY JUMPING HIM AND CUTTING HIS HAIR. I TOLD (b)(6), (b)(7)(C) SINCE THAT IS ALL YOU HAVE DONE TO (b)(6), (b)(7)(C) I COULD THEN SEE (b)(6), (b)(7)(C) TO MAKE SURE HE WAS ALRIGHT. (b)(6), (b)(7)(C) SAID OKAY. (b)(6), (b)(7)(C) TOLD COX WHO HAD ENTERED THE ROOM TO GO GET THE KEY TO (b)(6), (b)(7)(C) ROOM. COX WENT SOMEWHERE AND RETURNED WITH THE KEY WHICH HE GAVE TO (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) USED THIS KEY TO OPEN (b)(6), (b)(7)(C) ROOM. I WALKED IN TO (b)(6), (b)(7)(C) ROOM BEHIND (b)(6), (b)(7)(C) I SAW (b)(6), (b)(7)(C) LYING ON THE FLOOR ON HIS BACK. (b)(6), (b)(7)(C) WAS WEARING RED SHORTS AND STILL HAD HIS HANDS TIED BEHIND HIS BACK. THERE WAS ALSO A WHITE SHEET WRAPPED AROUND (b)(6), (b)(7)(C) LEGS. I NOTICED (b)(6), (b)(7)(C) WAS NOT BREATHING NORMALLY MAKING SOUNDS LIKE HE WAS BREATHING HEAVY BUT COULD NOT GET ENOUGH AIR. I ASKED (b)(6), (b)(7)(C) WHY (b)(6), (b)(7)(C) WAS BREATHING LIKE THAT. (b)(6), (b)(7)(C) STATED (b)(6), (b)(7)(C) WAS MESSED UP BECAUSE HE HAD BEEN DRINKING. I THEN NOTICED (b)(6), (b)(7)(C) WAS BLINDFOLDED WITH A NAPKIN TAPED ACROSS HIS EYES. THE NAPKIN APPEARED WET AND STAINED WITH BLOOD. ASKING (b)(6), (b)(7)(C) WHERE THE BLOOD CAME FROM, (b)(6), (b)(7)(C) MENTIONED THAT ONE OF US ACCIDENTALLY HIT (b)(6), (b)(7)(C) NOISE WHEN THEY JUMPED HIM. I COULD SEE AT THAT TIME THAT THEY HAD ALREADY CUT (b)(6), (b)(7)(C) HAIR AS THERE WAS HAIR ALL OVER THE FLOOR. I TOLD (b)(6), (b)(7)(C) TO GET SOMETHING TO CUT THE ROPES ON (b)(6), (b)(7)(C) WRISTS. (b)(6), (b)(7)(C) LEFT AND CAME BACK WITH A POCKETKNIFE AND ROLLED (b)(6), (b)(7)(C) ON TO HIS STOMACH AND CUT THE ROPES AROUND (b)(6), (b)(7)(C) WRISTS. I COULD OBSERVE THAT THE ROPES ON (b)(6), (b)(7)(C) WRISTS WERE EXTREMELY TIGHT. (b)(6), (b)(7)(C) THEN ROLLED (b)(6), (b)(7)(C) ONTO HIS BACK AND REMOVED (b)(6), (b)(7)(C) BLINDFOLD. (b)(6), (b)(7)(C) STARTED GOING CRAZY SCREAMING AND CRYING. IT APPEARED TO ME THAT (b)(6), (b)(7)(C) MAY HAVE BEEN IN SHOCK. I TOLD (b)(6), (b)(7)(C) TO PICK (b)(6), (b)(7)(C) UP AND PUT HIM IN HIS RACK. (b)(6), (b)(7)(C) THEN WALKED INTO THE ROOM ASKING WHAT WAS GOING ON. (b)(6), (b)(7)(C) AND I PLACED (b)(6), (b)(7)(C) INTO HIS RACK. (b)(6), (b)(7)(C) WAS STILL SCREAMING AND CRYING AT WHICH TIME (b)(6), (b)(7)(C) TOLD (b)(6), (b)(7)(C) GO GET SOME WET NAPKINS. (b)(6), (b)(7)(C) THEN BROUGHT BACK SOME WET PAPER TOWELS AND (b)(6), (b)(7)(C) BEGAN CLEANING THE BLOOD FROM (b)(6), (b)(7)(C) FACE. I AGAIN TOLD (b)(6), (b)(7)(C) THAT (b)(6), (b)(7)(C) WAS NOT BREATHING RIGHT AND SOMEONE SHOULD GO GET AN AMBULANCE. (b)(6), (b)(7)(C) TOLD (b)(6), (b)(7)(C) STOP BECAUSE (b)(6), (b)(7)(C) WANTED TO TALK WITH (b)(6), (b)(7)(C) FIRST TO SEE IF HE IS ALL RIGHT. (b)(6), (b)(7)(C) STARTED ASKING (b)(6), (b)(7)(C) IF HE WAS ALL RIGHT AND WHAT WAS HURTING. (b)(6), (b)(7)(C) WAS SAYING SOMETHING THAT WAS HARD TO UNDERSTAND. I THOUGHT (b)(6), (b)(7)(C) WAS SAYING I CAN'T SEE, I CAN'T SEE. (b)(6), (b)(7)(C) WAS CRYING AGAIN AND HE KEPT OPENING AND CLOSING HIS EYES LIKE HE COULDN'T SEE. (b)(6), (b)(7)(C) STARTED COUGHING, GAGGING, AND SPITTING UP BLOOD. (b)(6), (b)(7)(C) TURNED (b)(6), (b)(7)(C) ON HIS SIDE AND WAS HOLDING A NAPKIN UNDER (b)(6), (b)(7)(C) MOUTH CATCHING THE BLOOD. I THEN TOLD (b)(6), (b)(7)(C) SOMEONE BETTER GET AN AMBULANCE. (b)(6), (b)(7)(C) THEN AGREED. AGAIN, (b)(6), (b)(7)(C) STATED HE WANTED TO TALK TO (b)(6), (b)(7)(C) AND MADE EVERYONE LEAVE THE ROOM. I THEN TOLD (b)(6), (b)(7)(C) TO GET HIS STAFF SERGEANT. (b)(6), (b)(7)(C) SAID (b)(6), (b)(7)(C) I TOLD YOU WE SHOULDN'T HAVE GOTTEN INVOLVED. I TOLD (b)(6), (b)(7)(C) THAT (b)(6), (b)(7)(C) WAS SPITTING UP BLOOD AND APPEARED TO ME TO BE IN BAD SHAPE.

(b)(6), (b)(7)(C)

END OF SECOND PAGE

28 JUL 86

(b)(6), (b)(7)(C)

AND I THEN WALKED FROM (b)(6), (b)(7)(C) ROOM INTO THE QUAD AREA. EVERYONE STARTED COMING OUT OF THEIR ROOMS INTO THE QUAD AREA. I DON'T KNOW WHO WENT FOR THE AMBULANCE. (b)(6), (b)(7)(C) WANTED TO GO BACK TO HIS ROOM AND LEAVE THINGS ALONE. I DON'T KNOW WHY I WALKED BACK TO (b)(6), (b)(7)(C) ROOM AND SAT DOWN. I WAS STILL WORRIED ABOUT THE SITUATION SO (b)(6), (b)(7)(C) WENT BACK TO (b)(6), (b)(7)(C) ROOM AND FOUND OUT THAT THE STAFF SERGEANT WAS ALREADY THERE AND THAT THEY WERE GOING TO CARRY (b)(6), (b)(7)(C) TO THE RSC ROOM TO WAIT AN AMBULANCE. THAT IS ALL I KNOW OF THIS INCIDENT.

I HAVE READ THIS THREE PAGE STATEMENT PREPARED FOR ME BY SPECIAL AGENT (b)(6), (b)(7)(C) AS WE DISCUSSED ITS CONTENT. I HAVE BEEN ALLOWED TO MAKE ALL CORRECTIONS AND CHANGES AS I WISH. INITIALLY THESE CORRECTIONS AND CHANGES. THIS STATEMENT IS TRUE AND FACTUAL TO THE BEST OF MY KNOWLEDGE.

(b)(6), (b)(7)(C)

28 July 86 11:20 AM

SUBSCRIBED AND SWORN TO BEFORE ME THIS TWENTY-EIGHTH DAY OF JULY 1986 AT NISRA
GUANTANAMO BAY, CUBA.

(b)(6), (b)(7)(C)

SPECIAL AGENT, NAVAL INVESTIGATIVE SERVICE

{AUTH: SECNAVINST 5520.1B OF 03 MAY 85}

STATEMENT

PLACE: NISRA
GUANTANAMO BAY, CUBA
DATE: 28 JULY 86

I, (b)(6), (b)(7)(C), make the following free and voluntary statement to (b)(6), (b)(7)(C) whom I know to be a Special Agent of the United States Naval Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended.

FOR BIOGRAPHICAL INFORMATION I AM A (b)(6), (b)(7)(C) BORN ON (b)(6), (b)(7)(C) MY SOCIAL SECURITY NUMBER IS (b)(6), (b)(7)(C) AM PRESENTLY ASSIGNED TO SECOND PLATOON RSC MARINE BARRACKS, NAVBASE GUANTANAMO BAY, CUBA.

ON FRIDAY, 25 JUL 86, DURING A SECOND PLATOON MEETING (b)(6), (b)(7)(C) STATED THAT WE HAD SOMEONE IN OUR PLATOON WHO WAS GOING OUTSIDE THE PLATOON WITH INFORMATION. THIS INFORMATION SHOULD HAVE STAYED WITHIN THE PLATOON FOR US TO HANDLE. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) ALSO STATED THAT THIS PERSON COULD NO LONGER BE TRUSTED AND THIS PERSON WAS NOT CONSIDERED LOYAL TO THE PLATOON ANY LONGER. (b)(6), (b)(7)(C) ALSO STATED THAT THIS PERSON WOULD BE TRANSFERRED FROM THE PLATOON AND THAT ONLY THE SQUAD LEADERS WOULD KNOW WHO THIS PERSON WAS.

ON 26 JUL 86, APPROXIMATELY 1300 HOURS (b)(6), (b)(7)(C) AND COX CAME INTO MY ROOM AND TOLD ME AND MY ROOMMATE, (b)(6), (b)(7)(C) THAT WE WERE NOT GOING TO BE SLEEPING IN OUR ROOMS THAT NIGHT. (b)(6), (b)(7)(C) WALKED OUT OF MY ROOM INTO THE QUAD AREA WHEN I ASKED HIM WHY. (b)(6), (b)(7)(C) STATED DO AS I SAY YOU DON'T NEED TO KNOW ABOUT IT. THE INDICATION TO ME WAS THAT (b)(6), (b)(7)(C) AND COX WERE GOING TO BE TALKING TO MY OTHER ROOMMATE (b)(6), (b)(7)(C) AT 2200 HRS. I WENT TO CLUB POST 46 AND STAYED THERE UNTIL ROUGHLY MIDNIGHT. AT MIDNIGHT I RETURNED TO MY ROOM FOR A FEW MINUTES AND THEN WENT TO (b)(6), (b)(7)(C) ROOM AS PREVIOUSLY INSTRUCTED BY (b)(6), (b)(7)(C) I HAD FALLEN ASLEEP ON THE FLOOR IN (b)(6), (b)(7)(C) ROOM WHEN I WAS AWOKEN BY (b)(6), (b)(7)(C) AND TOLD TO RETURN TO MY ROOM. I ENDED UP IN A (b)(6), (b)(7)(C) ROOM AND TOLD THEM I COULD NOT STAY IN (b)(6), (b)(7)(C) ROOM. PRESENT IN THE ROOM AT THIS TIME WERE (b)(6), (b)(7)(C) COX, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) THEY WERE ALL TALKING ABOUT GETTING EVEN WITH (b)(6), (b)(7)(C) WHICH IS (b)(6), (b)(7)(C) THEY DID NOT DISCUSS HOW THEY WERE GOING TO DO THIS, BUT TOLD ME IF I SNITCHED THEY WOULD DO THE SAME THING TO ME. (b)(6), (b)(7)(C) SAID WE ALL HAD TO KEEP SILENT OR WE ALL WOULD GET INTO TROUBLE. (b)(6), (b)(7)(C) ASKED ME FOR THE KEY TO MY ROOM AND I GAVE IT EITHER TO (b)(6), (b)(7)(C) THEY THEN TOOK ME TO (b)(6), (b)(7)(C) ROOM. I FELL ASLEEP AT ABOUT 0045 HRS BUT WAS AWOKEN BY SOUNDS IN THE QUAD AREA. I LOOKED OUT AND SAW TWO OF THE INDIVIDUALS LEAVING THE QUAD, AT APPROXIMATELY 0230 HRS. I KNEW NOTHING FURTHER ABOUT THE SITUATION UNTIL WE WERE CALLED TOGETHER LATER IN THE MORNING.

I READ THIS ONE PAGE STATEMENT PREPARED FOR ME BY SPECIAL AGENT (b)(6), (b)(7)(C) AS WE DISCUSSED THE CONTENTS. I HAVE BEEN ALLOWED TO MAKE ALL CORRECTIONS AND CHANGES AS I WISH INITIALING THESE CORRECTIONS AND CHANGES. THIS STATEMENT IS TRUE AND FACTUAL TO THE BEST OF MY KNOWLEDGE.

(b)(6), (b)(7)(C)

28 JUL 86 15:08

SUBSCRIBE
GUANTANAMO
NISFORM 016/04-81

(b)(6), (b)(7)(C)

THIS TWENTY-EIGHTH DAY OF JULY 1986 AT NISRA

{AUTH: SECNAVINST 5520.1B OF 03 MAY 85} EXHIBIT (C)

000023

I, (b)(6), (b)(7)(C), make the following free and voluntary statement to (b)(6), (b)(7)(C) whom I know to be a Special Agent of the United States Naval Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended.

FOR BIOGRAPHICAL INFORMATION I AM A (b)(6), (b)(7)(C) BORN ON (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) SOCIAL SECURITY NUMBER IS (b)(6), (b)(7)(C) I AM PRESENTLY ASSIGNED TO SECOND PLATOON RSC MARINE BARRACKS, NAVBASE GUANTANAMO BAY, CUBA.

ON FRIDAY AFTERNOON (b)(6), (b)(7)(C) HELD A PLATOON MEETING AND TOLD EVERYONE THAT ONE INDIVIDUAL IN THE PLATOON WOULD BE LEAVING SHORTLY AS HE HAD GONE OUTSIDE THE CHANGE OF COMMAND AND WAS NO LONGER CONSIDERED LOYAL TO THE PLATOON. AT NO TIME DID (b)(6), (b)(7)(C) SAY ANYTHING IDENTIFYING THIS INDIVIDUAL.

IN THE EARLY EVENING ON SATURDAY I WAS IN POST 46 AND (b)(6), (b)(7)(C) CAME OVER AND SAT DOWN WITH ME. WE WERE DRINKING ORANGE JUICE AND (b)(6), (b)(7)(C) TOLD ME THAT HE HAD BEEN THE ONE WHO HAD GONE OUTSIDE THE PLATOON BUT THAT HE HAD NOT TOLD HIS ANYTHING THAT THEY HAD NOT KNOWN. (b)(6), (b)(7)(C) SEEMED TO BE A LITTLE BIT NERVOUS ABOUT THE SITUATION BUT I TOLD HIM NOT TO WORRY ABOUT IT AS HE WAS BEING TRANSFERRED OUT OF THE PLATOON AND THAT WOULD BE THE END OF IT. (b)(6), (b)(7)(C) LEFT SHORTLY AFTER THIS DISCUSSION AND A SHORT TIME LATER (b)(6), (b)(7)(C) CAME OVER TO ME IN THE CLUB AND ASKED ME WHERE (b)(6), (b)(7)(C) WAS. TO WHICH I REPLIED HE WAS SOMEWHERE IN THE CLUB. I LEFT THE CLUB A LITTLE LATER AND RETURNED TO MY BARRACKS ROOM. AT ABOUT 2400 I WAS IN MY ROOM WITH (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) WATCHING MOVIES ON THE VCR WHEN (b)(6), (b)(7)(C) ARRIVED AT MY ROOM. WE HAD HEARD SOMETHING OUT IN THE QUAD JUST BEFORE (b)(6), (b)(7)(C) HAD ARRIVED AND I ASKED HIM WHAT HAD BEEN GOING ON (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) STATED THAT HE HAD STOPPED BY (b)(6), (b)(7)(C) ROOM AND TOLD HIM TO HOLD DOWN THE NOISE AS THE OD WAS IN THE AREA AND WOULD HEAR THEM IF THEY KEPT IT UP (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) JOINED (b)(6), (b)(7)(C) AND ME AND WE WATCHED MOVIES UNTIL ABOUT 0130 WHEN (b)(6), (b)(7)(C) SAID HE HAD TO LEAVE AND I TOLD HIM TO STICK AROUND BECAUSE IF HE THOUGHT THEY WERE ROWDY EARLIER HE SHOULD STICK AROUND BECAUSE THINGS REALLY GOT ROWDY LATER ON DURING THE WEEKEND. WE CONTINUED TO WATCH MOVIES UNTIL ABOUT 0300 WHEN WE STARTED HEARING NOISES IN THE NEXT ROOM THAT SOUNDED LIKE SOMEONE WAS WRESTLING. (b)(6), (b)(7)(C) ASKED WHAT WAS GOING ON AND WENT INTO THE HEAD. A FEW MINUTES LATER HE CALLED TO ME TO COME INTO THE HEAD THAT IT SOUNDED IF SOMEONE WAS BEING BEATEN UP. WE RETURNED TO THE ROOM AND WATCHED MOVIES FOR ABOUT FIVE MORE MINUTES WHEN (b)(6), (b)(7)(C) STATED THAT HE WAS GOING NEXT DOOR TO FIND OUT WHAT WAS GOING ON. (b)(6), (b)(7)(C) LEFT AND RETURNED TO MY ROOM ABOUT TWO MINUTES LATER. THEN WE BOTH LEFT AND HEADED FOR THE QUAD IN WHICH (b)(6), (b)(7)(C) ROOM WAS LOCATED. AS WE PASSED THE WINDOW OUTSIDE OF (b)(6), (b)(7)(C) QUAD WE SAW (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) COMING OUT OF (b)(6), (b)(7)(C) ROOM. WE MET WITH THESE THREE AT THE DOOR TO THE QUAD AS THEY WERE LEAVING (b)(6), (b)(7)(C) SPOKE TO ME AND THEY THEN TURNED INTO THE DIRECTION

(b)(6), (b)(7)(C)

EXHIBIT (7)

(b)(6), (b)(7)(C)

INTO THE HEAD AND LOOKED THROUGH THE CRACK AT THE TOP OF THE EMERGENCY EXIT. AT THIS TIME I SAW (b)(6), (b)(7)(C) TALKING TO (b)(6), (b)(7)(C) IN THE HEAD AND (b)(6), (b)(7)(C) APPARENTLY RINSING SOMETHING OUT IN THE SINK. WE THEN DECIDED TO GO OVER AND CHECK IT OUT BECAUSE IT APPEARED TO BE SERIOUS. AS WE WERE WALKING TOWARD (b)(6), (b)(7)(C) QUAD AND SAW COX APPROACHING FROM THE DIRECTION OF THE MESS HALL AND THE DUMPSTERS. COX CAME UP TO US AT THE DOOR OF (b)(6), (b)(7)(C) QUAD AND I ASKED COX IF THEY HAD FINISHED THEIR MISSION TO WHICH COX REPLIED WHAT ARE YOU TALKING ABOUT IT. I HAD REMEMBERED THAT COX TRIED TO APPEAR DRUNK BUT I DO NOT THINK THAT HE WAS. WE WENT WITH COX TO HIS ROOM FOR A FEW MINUTES WHEN WE HEARD WHAT SOUNDED LIKE MOANING COMING FROM (b)(6), (b)(7)(C) ROOM. WE LEFT COX'S ROOM AND (b)(6), (b)(7)(C) KNOCKED ON (b)(6), (b)(7)(C) DOOR AND (b)(6), (b)(7)(C) OPENED IT UP JUST ENOUGH TO SEE WHO WAS AT THE DOOR AND TO TALK TO HIM. (b)(6), (b)(7)(C) SAID WHAT DO YOU WANT. TO WHICH (b)(6), (b)(7)(C) REPLIED I WANT TO KNOW WHAT IS GOING ON IN THERE. (b)(6), (b)(7)(C) STATED THEY WERE JUST SLEEPING AND (b)(6), (b)(7)(C) STATED THAT HE DID NOT BELIEVE THAT THEY WERE JUST SLEEPING AND THAT HE WANTED TO COME IN AND CHECK IT OUT. (b)(6), (b)(7)(C) CAME OUT OF THE ROOM AT THIS POINT AND SAID WELL LET ME EXPLAIN WHAT THE DEAL IS. (b)(6), (b)(7)(C) STATED THAT (b)(6), (b)(7)(C) WAS LEAVING THE PLATOON AND THAT THEY WERE JUST GIVING HIM A HAIRCUT BECAUSE HE WAS A LITTLE SNITCH AND HE HAD SQUEALED ON ALL OF US AND MADE US LOOK BAD. AT THIS POINT (b)(6), (b)(7)(C) SAID THAT IT SOUNDED TO HIM LIKE (b)(6), (b)(7)(C) WAS HURT AND THAT HE WANTED TO GO IN AND SEE IF HE WAS OKAY. (b)(6), (b)(7)(C) THEN LED US INTO COX'S ROOM AND COX SAID THAT (b)(6), (b)(7)(C) WAS JUST A BIG CRY BABY AND NOTHING WAS WRONG WITH HIM. (b)(6), (b)(7)(C) STATED THAT IF THEY DIDN'T LET HIM IN TO SEE HOW (b)(6), (b)(7)(C) WAS HE WOULD GO GET THE OD OR THE STAFF DUTY AND (b)(6), (b)(7)(C) WENT BACK INTO (b)(6), (b)(7)(C) ROOM. AFTER ABOUT TWO OR THREE MINUTES (b)(6), (b)(7)(C) CAME RUNNING OUT OF (b)(6), (b)(7)(C) ROOM YELLING HE WAS WAKING UP AND THAT THEY WOULD NOT BE ABLE TO KEEP IT QUIET NOW. COX STATED AT THIS TIME THAT (b)(6), (b)(7)(C) WAS A BIG WHINER AND NOT TO WORRY ABOUT IT. (b)(6), (b)(7)(C) THEN CAME BACK INTO COX'S ROOM AND (b)(6), (b)(7)(C) SAID THAT (b)(6), (b)(7)(C) WAS HURT BAD WHY DON'T YOU UNTIE HIM. (b)(6), (b)(7)(C) GOT A KNIFE OUT OF HIS DRAWER AND WENT BACK INTO (b)(6), (b)(7)(C) ROOM. I STEPPED OUT OF COX'S ROOM AT THIS TIME AND EVERYONE IN THE OTHER ROOMS IN THE QUAD STARTED COMING OUT OF THEIR ROOMS TO SEE WHAT THE PROBLEM WAS. AT THIS TIME (b)(6), (b)(7)(C) STATED THAT HE WAS NOT LEAVING UNTIL (b)(6), (b)(7)(C) GOT SOME HELP AND (b)(6), (b)(7)(C) SAID THAT HE WOULD GO GET THE STAFF SERGEANT. AT THIS TIME I TOOK (b)(6), (b)(7)(C) OUT OF THE QUAD AND TOLD HIM THAT HE DID NOT NEED TO GET INVOLVED IN THIS SINCE HE WAS NOT IN RSC AND SHOULD NOT IN TROUBLE FOR IT AND JUST TO LET US HANDLE IT OURSELVES. WE WENT BACK TO OUR ROOM FOR A LITTLE WHILE THEN I WENT BACK TO (b)(6), (b)(7)(C) QUAD AND STAFF SERGEANT (b)(6), (b)(7)(C) WAS ALREADY THERE. THIS IS ALL I CAN REMEMBER ABOUT THIS INCIDENT.

I HAVE READ THIS TWO PAGE STATEMENT PREPARED FOR ME BY SPECIAL AGENT (b)(6), (b)(7)(C) AS WE DISCUSSED THE CONTENTS. I HAVE BEEN ALLOWED TO MAKE ALL CORRECTIONS AND CHANGES AS I WISH INITIALLYING THESE CORRECTIONS AND CHANGES. THIS STATEMENT IS TRUE AND FACTUAL TO THE BEST OF MY KNOWLEDGE.

(b)(6), (b)(7)(C)

MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: MSRA

Guantanamo Bay, Cuba
USMC

I, (b)(6), (b)(7)(C)
have been advised by Special Agent(s) (b)(6), (b)(7)(C)
that I am suspected of assault on (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

I have also been advised that:

- 1) I have the right to remain silent and make no statement at all;
- 2) Any statement I do make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- 3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- 4) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and
- 5) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

Signature

(b)(6), (b)(7)(C)

Date & Time: 12726 1020

Witnessed

(b)(6), (b)(7)(C)

Date & Time: 27 JULY 86 1112

At this time, I, (b)(6), (b)(7)(C)
desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

FOR IDENTIFICATION PURPOSES, I WAS BORN ON (b)(6), (b)(7)(C)
AND MY SSN IS (b)(6), (b)(7)(C) I AM A PFC IN THE USMC ASSIGNED TO THE RIFLE
SECURITY COMPANY, NAVAL BASE GUANTANAMO BAY, CUBA.

I AM MAKING THIS STATEMENT CONCERNING (b)(6), (b)(7)(C) WHO I
UNDERSTAND IS IN SERIOUS CONDITION IN THE GTMO NAVAL HOSPITAL. I ADMIT
THAT I AND SEVERAL OTHER MARINES ATTACKED (b)(6), (b)(7)(C) IN THE EARLY MORNING
HOURS OF THIS DATE BUT I DON'T UNDERSTAND WHY HE IS IN THIS CONDITION AS
WE DID NOT DO ANYTHING TO HIM TO WARRANT HIM BEING HURT LIKE THIS.

YESTERDAY AFTERNOON AND EVENING, (b)(6), (b)(7)(C)
{ALL MARINES IN MY PLATOON} AND I WERE SITTING AROUND WATCHING MOVIES ON
A VCR AND WE STARTED TALKING ABOUT (b)(6), (b)(7)(C) WE DO NOT PARTICULARLY CARE
FOR HIM AS HE IS A LAZY DISRESPECTFUL MARINE WITH A VERY POOR ON THE JOB
PERFORMANCE.

(b)(6), (b)(7)(C)

NISFORM 001/REV 4-

000026

EXHIBIT (8)

GPO 878-318

WE WERE ALSO AGGRAVATED WITH HIM BECAUSE HE HAD SUPPOSEDLY TALKED TO A NIS AGENT ABOUT THINGS WHICH HAD SUPPOSEDLY HAPPENED OUT ON THE FENCE-LINE. WE DECIDED THAT (b)(6), (b)(7)(C) NEEDED TO BE TAUGHT A LESSON AND WE DECIDED TO TEACH HIM ONE BY CUTTING OFF HIS HAIR. WE KNEW THAT HE TOOK A LOT OF PRIDE IN HIS HAIR AND DECIDED THAT WE WOULD CUT IT OFF. WE ALL AGREED THAT WE WOULD NOT HURT HIM IN ANY OTHER WAY AND THAT HE WAS NOT TO BE HIT OR KICKED OR IN OTHER WAY INJURED.

ABOUT 0200 ON 27 JULY, WE ENTERED HIS ROOM. AS I RECALL THE FOLLOWING MARINES WERE PRESENT: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) COX AND MYSELF. WHEN WE ENTERED, (b)(6), (b)(7)(C) WOKE UP AND SAID TO US, "I'M GOING TO KILL YOU MOTHER FUCKERS". WE ALL GRABBED HIM WHILE HE RESISTED SOME WHAT AND HELD HIM DOWN ON HIS RACK. I PUT A PIECE OF LINEN THAT I HAD BROUGHT WITH ME IN HIS MOUTH AND THEN PUT TAPE AROUND HIS HEAD TO HOLD IT IN. I WRAPPED THE TAPE COMPLETELY AROUND HIS HEAD. (b)(6), (b)(7)(C) TIED HIS HANDS BEHIND HIS BACK WITH SOME CORD AND SOMEBODY TIED HIS FEET TOGETHER. (b)(6), (b)(7)(C) PUT TAPE ACROSS HIS EYES. (b)(6), (b)(7)(C) AND I THEN BACKED OFF.

COX TOOK SCIZZORS AND STARTED CUTTING HIS HAIR OFF (b)(6), (b)(7)(C) HAIR. WE THEN GENTLY PICKED HIM UP FROM THE BED AND PLACED HIM ON THE FLOOR. WE CUT SOME MORE HAIR OFF OF HIM AND SOMEONE MAY HAVE USED A RAZOR TO GET MORE HAIR. WE NOTICED SOME BLOOD AROUND HIS MOUTH AND SO WE REMOVED THE GAG FROM HIS MOUTH. AT THIS TIME SOMEONE TOOK THE SCIZZORS TO CUT THE CORD ON HIS HANDS. I DID NOT SEE HIS HANDS FREE BUT I WOULD ASSUME THEY WERE AS I SAW SOMEONE CUT THE CORD. (b)(6), (b)(7)(C) TOLD US TO GO BACK TO OUR ROOMS AS HE WOULD TAKE CARE OF (b)(6), (b)(7)(C) AND SEE THAT HE WAS ALRIGHT. I LEFT AS DID

(b)(6), (b)(7)(C) WE PASSED (b)(6), (b)(7)(C) OUT IN THE CORRIDOR. I WENT BACK TO MY ROOM.

I WOULD SAY I HAD BEEN IN (b)(6), (b)(7)(C) ROOM FOR ABOUT 3 TO 5 MINUTES. NO ONE AT ANY TIME HIT OR KICKED (b)(6), (b)(7)(C) AT ANY TIME I WAS THERE AND I'M SURE (b)(6), (b)(7)(C) DIDN'T HIT HIM AFTERWARD AS HE IS NOT THE TYPE OF PERSON TO DO THAT. I CAN'T FIGURE WHY (b)(6), (b)(7)(C) WAS BLEEDING. HIS NOSE WAS NOT OBSTRUCTED AT ANY TIME IN ANY WAY. WHEN MY ROOMMATE (b)(6), (b)(7)(C) RETURNED TO MY ROOM HE TOLD ME THAT (b)(6), (b)(7)(C) WAS OVER AT THE ROOM CHECKING THE INCIDENT OUT.

WE NEVER AT ANY TIME FORCED ANYTHING DOWN HIS THROAT (EXCEPT FOR PUTTING THE GAG IN HIS MOUTH) AND DID NOT INJECT ANYTHING IN TO HIS SYSTEM. WE GOT IN HIS ROOM BY USING A KEY WHICH I BELIEVE WAS GOTTEN FROM (b)(6), (b)(7)(C) ROOMMATE. (b)(6), (b)(7)(C) I GUESS ONE OF THE GUYS HAD TOLD (b)(6), (b)(7)(C) ROOMMATES TO STAY AWAY FROM THE ROOM THAT NIGHT.

I HAVE REVIEWED THIS TWO PAGE STATEMENT WHICH WAS PREPARED FOR ME FROM INFORMATION I PROVIDED TO NIS. THIS INFORMATION IS TRUE AND CORRECT. I HAVE INITIALLED ANY CORRECTIONS OR ADDITIONS I HAVE MADE.

(b)(6), (b)(7)(C)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 27TH DAY OF JULY 1986 IN GTMO, CUBA.

(b)(6), (b)(7)(C)

{AUTH: SECNAVINST 5520.1B OF 03MAY85}

(b)(6), (b)(7)(C) While in my room, we had an axe handle of mine and a chain but we were just talking big about using them on (b)(6), (b)(7)(C) We never took any weapon of any kind into (b)(6), (b)(7)(C) room. JSS (b)(6), (b)(7)(C)

000027



MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: NASRA

Guantanamo Bay, Cuba

I, (b)(6), (b)(7)(C)
have been advised by Special Agent(s) (b)(6), (b)(7)(C)
that I am suspected of Assault on (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) Discharging my weapon on Post (b)(6), (b)(7)(C)

I have also been advised that:

- (b)(6), (b)(7)(C) 1) I have the right to remain silent and make no statement at all;
- (b)(6), (b)(7)(C) 2) Any statement I do make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- (b)(6), (b)(7)(C) 3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- (b)(6), (b)(7)(C) 4) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and
- (b)(6), (b)(7)(C) 5) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

Witness

(b)(6), (b)(7)(C)

Signature:

(b)(6), (b)(7)(C)

Date & Time: 1350 27 July 86

Date & Time: 27 JULY 86 1438

At this time, I, (b)(6), (b)(7)(C)
desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

FOR IDENTIFICATION PURPOSES, I WAS BORN ON (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) AND MY SSN IS (b)(6), (b)(7)(C) I AM A LCPL IN THE USMC ASSIGNED TO
THE MARINE BARRACKS RIFLE SECURITY COMPANY, NAVAL BASE GUANTANAMO BAY, CUBA.
LAST NIGHT I WAS AT THE POST 46 CLUB AND THEN RETURNED TO MY BARRACKS
ROOM. I HEARD A TV ON IN (b)(6), (b)(7)(C) ROOM AND THOUGHT I'D GO OVER THERE
TO WATCH A MOVIE. THERE WERE ABOUT 8 PEOPLE IN THE ROOM. THEY ASKED ME
IF I WOULD HELP THEM GET EVEN WITH A MARINE NAMED (b)(6), (b)(7)(C) WHO IS GENERALLY
CONSIDERED A DIRTBAG. THEY HAD A PLAN ALL FORMED TO GRAB HIM IN HIS BARRACKS
ROOM AND CUT HIS HAIR UP WITH A SCIZZORS. THEY DECIDED THAT I SHOULD HELP
BY JUST BEING THERE IN CASE HE GOT LOOSE AND THEY NEEDED ME TO HOLD HIM
DOWN OR SOMETHING.

(b)(6), (b)(7)(C)

EXHIBIT (9)

WE WENT TO (b)(6), (b)(7)(C) ROOM AND WAITED AWHILE. WE THEN WENT TO (b)(6), (b)(7)(C) ROOM NEXT DOOR AND WALKED IN. I WAS ABOUT THE 5TH ONE TO ENTER AND AM NOT SURE HOW THEY GOT IN, I GUESS THE DOOR WAS UNLOCKED. AS I RECALL, THE FOLLOWING MARINES WENT IN THE ROOM WITH ME, (b)(6), (b)(7)(C) COX, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) WHEN I GOT IN THE ROOM IT WAS DARK AND THEY HAD GAGGED HIM AND PUT TAPE OVER HIS EYES. THEY THEN TURNED ON THE LIGHTS AND BOUND (b)(6), (b)(7)(C) HANDS AND FEET. THEY LIFTED HIM TO THE FLOOR AND BEGAN CUTTING HIS HAIR WITH THE SCIZZORS. I BELIEVE IT WAS COX CUTTING HIS HAIR. WE NOTICED BLOOD COMING FROM HIS MOUTH AND I BELIEVE (b)(6), (b)(7)(C) REMOVED THE SHEET OR WHATEVER THEY USED FOR A GAG. I CHECKED (b)(6), (b)(7)(C) PULSE AND THEN TURNED HIM ON HIS STOMACH AS I DID NOT WANT HIM TO DROWN IN HIS OWN BLOOD. I AND 4 OTHERS THEN LEFT AND WENT BACK TO OUR OWN ROOMS. (b)(6), (b)(7)(C) SAID HE WOULD TAKE CARE OF (b)(6), (b)(7)(C) AND SEE THAT HE WAS OK.

I NEVER SAW ANYONE KICK OR HIT (b)(6), (b)(7)(C) AND DON'T BELIEVE ANYONE DID. I CAN'T EXPLAIN WHY HE STARTED BLEEDING. I DID SEE HIM COUGHING WHILE GAGGED AND I NOTICED HE WASN'T REALLY RESISTING WHEN I FIRST SAW HIM AFTER THE LIGHTS WERE TURNED ON.

WE DON'T LIKE (b)(6), (b)(7)(C) BECAUSE HE IS NOT A GOOD MARINE. HE IS ALWAYS TRYING TO GET OFF WORK BY PRETENDING TO BE SICK AND HE IS DISRESPECTFUL. WE ALSO HAD IT OUT FOR HIM BECAUSE HE SUPPOSEDLY HAD GONE TO NIS AND SAID THINGS ABOUT US. I HAVE ASKED (b)(6), (b)(7)(C) OF NIS IF I CAN AT THIS TIME CLEAR UP A MATTER RELATED TO WHAT (b)(6), (b)(7)(C) SUPPOSEDLY TALKED TO NIS ABOUT. LAST WEEK I WAS READ MY ARTICLE 31 RIGHTS BY (b)(6), (b)(7)(C) AT NIS AND WAS TOLD THAT I WAS SUSPECTED OF DISCHARGING MY FIREARM WHILE ON POST. I TOLD HIM I WANTED TO CONSULT WITH AN ATTORNEY BEFORE DISCUSSING ANYTHING. I HAVEN'T CONSULTED WITH AN ATTORNEY YET BUT I HAVE ASKED (b)(6), (b)(7)(C) IF I CAN GO AHEAD AND CLEAR UP THIS MATTER AT THIS TIME. I HAVE CONSENTED TO ALLOW (b)(6), (b)(7)(C) TO ADD THE PHRASE "DISCHARGING MY WEAPON ON POST" TO THE FIRST PAGE OF THIS STATEMENT AND DO NOT DESIRE TO CONSULT WITH AN ATTORNEY AT THIS TIME.

I HAVE DISCHARGED MY WEAPON ON POST. MOST OF THE TIME I WAS ONLY FIRING BLANK ROUNDS AND I WAS USUALLY JUST SHOOTING AT LIZARDS AT THE POST OR ON THE FENCE. I HAVE DONE THIS MANY TIMES AND HAVE MAYBE FIRED AS MANY AS FIVE ROUNDS DURING MY WATCH. I DON'T ALWAYS DO THIS AND WOULD SAY THAT I HAVE NOT FIRED MORE THAN FIFTY ROUNDS TOTAL SINCE I CAME TO GTMO (ON WATCH) I HAVE ONLY FIRED LIVE ROUNDS (OTHER THAN BLANKS) ONCE ON DUTY. THIS WAS LAST JUNE AROUND THE 15TH. IT WAS AROUND THE TIME THAT (b)(6), (b)(7)(C) WENT ON LEAVE. I WAS AT POST 37 AND IT WAS ABOUT 0530. I SAW A DEER ON OUR SIDE OF THE FENCE AND I CALLED THE SWITCH TO ASK PERMISSION TO SHOOT IT. I CAN'T REMEMBER WHO I TALKED TO BUT THEY SAID TO GO AHEAD IF I COULD COME UP WITH REPLACEMENT ROUNDS. I FIRED MY M16 THREE TIMES AT THE DEER BUT I MISSED. I GOT ON THE FIELD PHONE AND CALLED (b)(6), (b)(7)(C) AND ASKED HIM TO GET ME SOME ROUNDS TO COVER THE THREE I HAD SHOT. I THINK HE HAD THEM IN HIS ROOM OR SOMETHING. WHEN I GOT BACK TO THE NORTH EAST GATE HE HAD THE ROUNDS FOR ME.

IT IS NOT VERY HARD TO GET EXTRA ROUNDS HERE AND A LOT OF GUYS USED TO STOCKPILE THEM. THEY FELT THAT 60 ROUNDS ON POST WERE NOT ENOUGH AND WOULD CARRY SOME EXTRAS. THAT DOESN'T HAPPEN MUCH ANY MORE BECAUSE WE GET CHECKED SO OFTEN. I GOT BLANKS FROM TRAINING I PARTICIPATED IN AND I FOUND TWO LIVE ROUNDS IN THE CEILING OF MY BARRACKS ROOM. I GAVE ONE TO (b)(6), (b)(7)(C) WHO I THINK TOOK IT APART AND I THREW THE OTHER AWAY AT POST 21.

(b)(6), (b)(7)(C)

2-11
I SUPPOSE OTHER MARINES HAVE FIRED THEIR WEAPONS ON POST BUT I ONLY KNOW OF ONE OTHER FOR SURE. A LOT OF GUYS BRAG THAT THEY HAVE BUT IT'S USUALLY JUST BRAGGING. (b)(6), (b)(7)(C) IS SORT OF THE UNOFFICIAL DEERHUNTER FOR OUR PLATOON. HE ONCE SHOT A DEER FROM KITTELY BEACH ROAD WHILE ON DUTY. THE DEER WAS LATER EATEN AT A PLATOON PARTY AT THE BEACH.

I HAVE OFTEN BRAGGED OR STATED THAT I SHOT IN TO CUBAN TERRITORY OR THAT I KILLED A CUBAN WHILE ON DUTY. I NEVER REALLY HAVE BUT JUST SAY THESE THINGS. A LOT OF OTHER GUYS HAVE PICKED UP ON IT AND BEGAN MAKING SIMILAR STATEMENTS.

I HAVE REVIEWED THIS THREE PAGE STATEMENT WHICH WAS PREPARED FROM INFORMATION I DISCUSSED WITH (b)(6), (b)(7)(C) OF NIS. THIS STATEMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE INITIALLED ANY CORRECTIONS OR ADDITIONS I HAVE MADE.

(b)(6), (b)(7)(C)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 27TH DAY OF JULY 1986 IN GTMO, CUBA.

(b)(6), (b)(7)(C)

{AUTH: SECNAVINST 5520.1B OF 03MAY85}

Place: NTERRA GUANTANAMO BAY, Cuba27 JUL 86

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

have been advised by Special Agent(s)

(b)(6), (b)(7)(C)

that I am suspected of Assault on

I have also been advised that:

- (1) I have the right to remain silent and make no statement at all;
- (2) Any statement I do make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- (3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- (4) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and
- (5) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

Signature: _____

(b)(6), (b)(7)(C)

Date & Time: 27 July 86 11:40

Witnessed: _____

(b)(6), (b)(7)(C)

Date & Time: 27 July 86 12:10 hrs

At this time, I

(b)(6), (b)(7)(C)

desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

For Biographical information I am a (b)(6), (b)(7)(C) born on (b)(6), (b)(7)(C) in (b)(6), (b)(7)(C). My Social Security number is (b)(6), (b)(7)(C). I am presently assigned to RSC, 2nd Platoon, WW, NAUBASE GUANTANAMO BAY, Cuba.

On 26 JUL 86 at approximately 2030 hrs, LCPL DAVID V. Cox (b)(6), (b)(7)(C) and myself went to the Post 46 Club. We sat at a table, drinking mixed drinks; talking to each other and watching the people in the Club. After being in the Club (b)(6), (b)(7)(C)



for about an hour and a half, when Cox asked me if I had seen (b)(6), (b)(7)(C). I then asked (b)(6), (b)(7)(C) if he had seen (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) pointed out (b)(6), (b)(7)(C) who was standing by the D.J.'s. I pointed out (b)(6), (b)(7)(C) to Cox and after Cox saw (b)(6), (b)(7)(C), Cox left the Club for approximately ten minutes. When Cox returned, Cox said I had to go let them (the guys) know where (b)(6), (b)(7)(C) was. ~~Cox~~ I asked him why he had to tell them and Cox answered they're going to go (b)(6), (b)(7)(C) tonight. Cox added by saying to me, "don't drink too much, you don't want to lose your punch." Cox asked (b)(6), (b)(7)(C) if (b)(6), (b)(7)(C) could use (b)(6), (b)(7)(C) Car, so they could take (b)(6), (b)(7)(C). I couldn't hear the rest of Cox's conversation because of the noise in the Club. I did hear (b)(6), (b)(7)(C) telling Cox, No; that they, Cox and (b)(6), (b)(7)(C) couldn't use the Car. I got up to go to the bathroom and Cox left also. When I got back to the table Cox had already returned. Cox asked where (b)(6), (b)(7)(C) was again and I told him I didn't know. Cox asked me to go with him to check the staff NCO Club, but the Post 46 Club. I first said No, but then went with Cox. Cox went into the NCO Club to get a drink and I saw (b)(6), (b)(7)(C) standing outside in the crowd, listening to the music. I went into the NCO Club to tell Cox and we both left the NCO Club and returned to the Post 46 Club. Cox went somewhere and I decided to go back to my room. When I got into my quad, I started to go to my room but went to (b)(6), (b)(7)(C) because I heard music coming from his room. (b)(6), (b)(7)(C) was getting ready to go to the Club. (b)(6), (b)(7)(C) asked me, "what's the deal are you in?" I told him No and he, (b)(6), (b)(7)(C) kept asking me to get involved. I told (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) said No to the use of (b)(6), (b)(7)(C) Car, and (b)(6), (b)(7)(C) got upset because (b)(6), (b)(7)(C) said No. (b)(6), (b)(7)(C) started cutting down (b)(6), (b)(7)(C). I defended (b)(6), (b)(7)(C) but (b)(6), (b)(7)(C) was still upset. (b)(6), (b)(7)(C) asked me to go to the Club with him and



Page 30 of 41 (b)(6), (b)(7)(C)

I told him no, I was feeling the drinks I had consumed. We left (b)(6), (b)(7)(C) room and went to (b)(6), (b)(7)(C) room. (b)(6), (b)(7)(C) knocked on the door with what appeared to be a special knock and entered the room. I sat down on a rack. (b)(6), (b)(7)(C) and later Cox were in the room. They first talked about (b)(6), (b)(7)(C) refusing to let them use his car. They then discussed several different things they were going to do. They never told me why they wanted the car, but I remember (b)(6), (b)(7)(C) saying his idea was to cut (b)(6), (b)(7)(C) head. They talked about whether to shave or cut his hair, but someone said "to cut it in patches so (b)(6), (b)(7)(C) would have to get it shaved, I don't know who said that. (b)(6), (b)(7)(C) left the room to go to the club. I went to my room, changed clothes and came back to (b)(6), (b)(7)(C) room. They were all sitting around talking about going on leave and different unrelated subjects. Sometime later, (b)(6), (b)(7)(C) walked into the room. (b)(6), (b)(7)(C) started talking to everyone and it was apparent that he knew what was going on. A little later (b)(6), (b)(7)(C) Cox, and (b)(6), (b)(7)(C) arrived. (b)(6), (b)(7)(C) and Cox together, (b)(6), (b)(7)(C) by himself. We talked a little more. We decided to go to (b)(6), (b)(7)(C) room, two at a time so it wouldn't look suspicious. I went with (b)(6), (b)(7)(C) to (b)(6), (b)(7)(C) room. Cox was already in the room lying on a rack. Eventually everyone got into the room. We ~~remained in the room~~ stayed in the room about 5 minutes and then went to (b)(6), (b)(7)(C) room sometime between 0230-0245 hrs. We walked in a single file line from (b)(6), (b)(7)(C) room into (b)(6), (b)(7)(C) room, which is in the same quad. By the time I got into the room, I was last in line, I could hear they were already on top of (b)(6), (b)(7)(C). As preplanned I went straight to the bathroom and waited for the signal, the snapping of fingers, to turn the light on. I couldn't find the right switch; someone else turned

END of Page 30 of 41 (b)(6), (b)(7)(C)



Page 4 of 4 (b)(6), (b)(7)(C)

the light on. I could see they were all piled on top of (b)(6), (b)(7)(C). I did not hear or see anyone hitting or kicking (b)(6), (b)(7)(C). No one said a word. I turned away from watching them and said to myself that this was crazy. We (b)(6), (b)(7)(C) tried to get the radio turned on, had a few moments of trouble, but finally got the radio on. I then saw them place (b)(6), (b)(7)(C) on the floor. They didn't drop or throw him down, they placed him down, easily. I then saw (b)(6), (b)(7)(C) cutting (b)(6), (b)(7)(C) hair with some scissors that I had in my room. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had left (b)(6), (b)(7)(C) room after Cox told them to. I then saw blood on the floor next to (b)(6), (b)(7)(C) head. I got real nervous, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) assisted by (b)(6), (b)(7)(C) began cleaning up the blood. (b)(6), (b)(7)(C) and Cox left the room. I tried to get (b)(6), (b)(7)(C) to roll (b)(6), (b)(7)(C) onto his stomach, because if (b)(6), (b)(7)(C) was bleeding it would go back into his body. (b)(6), (b)(7)(C) was lying on his back (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were too busy talking to listen to me. Then there was a knock at the door. (b)(6), (b)(7)(C) answered the door. I ran from the bathroom to the window and when I heard someone saying they had heard a noise in the room, I opened the window and left. I went back to my room. (b)(6), (b)(7)(C)

I have read this four page statement prepared for me by Special Agent (b)(6), (b)(7)(C) at my request, as we discussed its content. I have been allowed to make all corrections and changes, initialing these corrections and changes. This statement is true and factual to the best of my knowledge.

Subscribed and Sworn to before me this 27th day of July, 1966

27 July 86

1321

(b)(6), (b)(7)(C)

FILE: SECNAVINST 5520.2B of 03 MAY 85

000034



MILITARY SUSPECT ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place:

15RA
GUANTANAMO BAY, Cuba.

I, (b)(6), (b)(7)(C)
have been advised by Special Agent(s) F. W. WHITNER

that I am suspected of ASSAULT ON (b)(6), (b)(7)(C)

I have also been advised that:

- (b)(6), (b)(7)(C) 1) I have the right to remain silent and make no statement at all;
- (b)(6), (b)(7)(C) 2) Any statement I do make can be used against me in a trial by court-martial or other or administrative proceeding;
- (b)(6), (b)(7)(C) 3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- (b)(6), (b)(7)(C) 4) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and
- (b)(6), (b)(7)(C) 5) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

Signature: X (b)(6), (b)(7)(C)

Date & Time: X 12:55 27 July 1986

Witnessed: (b)(6), (b)(7)(C)

Date & Time: 27 JULY 86 1320

At this time, I, (b)(6), (b)(7)(C)
desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

FOR IDENTIFICATION PURPOSES, I WAS BORN ON (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) AND MY SSN IS (b)(6), (b)(7)(C) I AM A PFC IN THE USMC ASSIGNED TO THE RIFLE SECURITY COMPANY, NAVAL BASE GUANTANAMO BAY, CUBA.

I AM MAKING THIS STATEMENT CONCERNING (b)(6), (b)(7)(C) WHO I UNDERSTAND IS IN SERIOUS CONDITION IN THE GTMO NAVAL HOSPITAL. I ADMIT THAT I AND SEVERAL OTHER MARINES ATTACKED (b)(6), (b)(7)(C) IN THE EARLY MORNING HOURS OF THIS DATE BUT WE DID NOT DO ANYTHING TO HIM THAT WOULD CAUSE HIS PRESENT CONDITION.

LAST NIGHT, (b)(6), (b)(7)(C) COX, (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) {ALL MARINES IN MY PLATOON} AND I WERE SITTING IN MY ROOM IN THE PARRACKS, WATCHING "ANIMAL HOUSE" ON THE VCR, AND TALKING ABOUT THE INVESTIGATION AND THE TROUBLE CAUSED WITHIN THE PLATOON, AND (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) BOTH OF WHOM ARE SQUAD LEADERS, TOLD THE REST OF US THAT

(b)(6), (b)(7)(C) HAD CAUSED ALL OF THE PROBLEMS WITHIN THE PLATOON BY JUMPING THE CHAIN OF COMMAND AND GOING DIRECTLY TO NIS AND TELLING THEM ABOUT THINGS GOING ON ON THE FENCELINE. (b)(6), (b)(7)(C) CAME UP WITH THE IDEA THAT WE SHOULD JUMP (b)(6), (b)(7)(C) AND CUT HIS HAIR, SINCE HE WAS SO PARTICULAR ABOUT HIS HAIR. NONE OF US HAD ANY INTENTION OF HURTING (b)(6), (b)(7)(C). WE JUST WANTED TO GET BACK AT HIM BY CUTTING HIS HAIR. AFTER TALKING ABOUT IT FOR A LITTLE WHILE LONGER, WE ALL LEFT MY BARRACKS ROOM AND WENT OVER TO (b)(6), (b)(7)(C) ROOM, WHICH IS RIGHT NEXT DOOR TO THAT OF (b)(6), (b)(7)(C). WE TALKED ABOUT IT SOME MORE IN (b)(6), (b)(7)(C) ROOM, AND THEN WE WENT OVER TO (b)(6), (b)(7)(C) ROOM. COX HAD THE KEY TO (b)(6), (b)(7)(C) ROOM, AND HE OPENED THE DOOR AND WE ALL WENT INTO THE ROOM. WHEN WE GOT INTO THE ROOM, (b)(6), (b)(7)(C) WAS ASLEEP, AND (b)(6), (b)(7)(C) GRABBED HIM AND HELD HIM DOWN. (b)(6), (b)(7)(C) WOKE UP AT THIS TIME, AND I PUT A STRIP OF TAPE OVER HIS EYES TO KEEP HIM FROM SEEING WHO WE WERE, AND THEN I STEPPED BACK AWAY FROM HIS RACK, AND (b)(6), (b)(7)(C) TIED (b)(6), (b)(7)(C) HANDS AND FEET WITH A PIECE OF STRING THAT WAS LIKE THE CORD THAT YOU PULL THE DRAPES OPEN AND CLOSED WITH. ABOUT THIS TIME, OR JUST BEFORE (b)(6), (b)(7)(C) TIED (b)(6), (b)(7)(C) UP, (b)(6), (b)(7)(C) TURNED ON THE LIGHTS IN THE ROOM. THEN A COUPLE OF THE GUYS PICKED (b)(6), (b)(7)(C) UP OFF OF HIS RACK AND SET HIM ON THE FLOOR, WHERE COX BEGAN CUTTING HIS HAIR WITH SCISSORS. AT THAT TIME, I NOTICED THAT (b)(6), (b)(7)(C) APPEARED TO BE BLEEDING FROM HIS MOUTH, AND I SAW SOME BLOOD DRIP ON TO THE FLOOR. I THOUGHT THAT HE MIGHT HAVE HAD A SPLIT LIP, BUT I HAD NO IDEA THAT HE WAS SERIOUSLY INJURED, AS NONE OF US HAD STRUCK HIM AT ANY TIME. WHILE COX WAS CUTTING (b)(6), (b)(7)(C) HAIR, (b)(6), (b)(7)(C) HAD TURNED TO ME AND TOLD ME TO GO AHEAD AND LEAVE, AND I WENT BACK TO MY ROOM. WHEN I GOT BACK TO MY ROOM, I FOUND (b)(6), (b)(7)(C) ALREADY THERE, AND ABOUT FIVE MINUTES LATER, (b)(6), (b)(7)(C) CAME BACK IN. I ASKED (b)(6), (b)(7)(C) IF (b)(6), (b)(7)(C) WAS ALRIGHT, AND (b)(6), (b)(7)(C) REPLIED THAT "HE HAD SEEMED TO BE" WHEN HE LEFT THE ROOM. WE THEN WENT TO SLEEP, AND I KNEW NOTHING ELSE CONCERNING THIS INCIDENT, UNTIL (b)(6), (b)(7)(C) CAME AROUND THIS MORNING AND WAOKE EVERYONE UP IN OUR PLATOON, AND TOLD US TO GO TO THE COMPANY CLASSROOM. WHEN WE ALL GOT TO THE CLASSROOM, (b)(6), (b)(7)(C) AND I WERE ALL SITTING IN A GROUP, AND (b)(6), (b)(7)(C) TOLD US THAT (b)(6), (b)(7)(C) WAS SERIOUSLY INJURED, AND THAT THE PEOPLE AT THE HOS PITAL THOUGHT THAT HE HAD EITHER BEEN GIVEN SOME KIND OF DRUGS BY SOMEONE, OR HAD TAKEN SOME HIMSELF BEFORE THE ASSAULT, AND THAT THEY COULD DO NOTHING FOR HIM UNTIL THEY KNEW WHAT HE HAD TAKEN OR BEEN GIVEN. I TOLD THE OTHER GUYS THAT WE HAD TO TELL SOME ONE WHAT HAD HAPPENED, AND THAT WE HAD NOT GIVEN HIM ANYTHING AND THAT WE HAD NOT BEATEN HIM UP, SO THAT THE HOSPITAL COULD GIVE HIM THE NECESSARY TREATMENT. (b)(6), (b)(7)(C) HAD THEN SAID THAT HE WOULD TELL THEM, AND HE HAD LEFT TO TELL SOMEONE THAT WE HAD KNOWN OF THE INCIDENT, BUT THAT WE HAD NOT GIVEN HIM ANYTHING.

I HAVE REVIEWED THIS TWO PAGE STATEMENT WHICH WAS PREPARED FOR ME FROM INFORMATION I PROVIDED TO SPECIAL AGENT (b)(6), (b)(7)(C). THIS INFORMATION IS TRUE AND CORRECT. I HAVE INITIALLED ANY CORRECTIONS OR ADDITIONS I HAVE MADE.

(b)(6), (b)(7)(C)

1405 27, July 1986

SUBSCRIBED AND SWORN BEFORE ME THIS 27TH DAY OF JULY 1986 IN GTMO, CUBA.

(b)(6), (b)(7)(C)

{AUTH: SECNAVINST 5520.1B OF 03MAY85}

I ALSO REMEMBER THAT (b)(6), (b)(7)(C) Had put something in Mouth. I think it was a piece of cloth.

(b)(6), (b)(7)(C)

STATEMENT

PLACE: NISRA

GUANTANAMO BAY, CUBA

DATE: 30 JULY 1986

I, (b)(6), (b)(7)(C), make the following free and voluntary statement to (b)(6), (b)(7)(C) whom I know to be a Special Agent of the United States Naval Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended.

ON FRIDAY 25 JULY 86, I ATTENDED A SPECIAL PLATOON MEETING HELD BY (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) SAID THAT WE ALL WERE AWARE THAT NIS WAS CONDUCTING AN INVESTIGATION INTO APPARENT SHOOTINGS ON THE FENCELINE. (b)(6), (b)(7)(C) SAID THAT HE WANTED TO CLEAR UP THE SITUATION BEFORE ANY RUMORS STARTED. (b)(6), (b)(7)(C) THEN STATED THAT SOMEONE IN THE PLATOON HAD BEEN TALKING TO NIS TELLING THEM ABOUT THE SHOOTINGS ON THE FENCELINE. (b)(6), (b)(7)(C) DISCLOSED THAT THIS PERSON WOULD BE TRANSFERRED ON MONDAY OR TUESDAY OF THE NEXT WEEK. (b)(6), (b)(7)(C) STATED THAT HE WANTED TO TRANSFER THE PERSON ON THAT DAY BUT HE COULDN'T DO IT THAT SOON. (b)(6), (b)(7)(C) NEVER MENTIONED ANYONE'S NAME. (b)(6), (b)(7)(C) TOLD THE WHOLE PLATOON NOT TO TOUCH THE INDIVIDUAL. (b)(6), (b)(7)(C) STATED IF YOU TOUCH HIM, I MEAN IT, YOU'LL GET IN TROUBLE. (b)(6), (b)(7)(C) EMPHASIZED THE FACT THAT IF ANYTHING HAPPENED TO THIS INDIVIDUAL SOMEONE WOULD GET IN TROUBLE. (b)(6), (b)(7)(C) THEN ASKED IF WE HAD ANY QUESTIONS AND THEN LEFT THE ROOM. (b)(6), (b)(7)(C) THEN ADDRESSED THE PLATOON AND SAID ABOUT THE EXACT SAME THING. (b)(6), (b)(7)(C) SAID. (b)(6), (b)(7)(C) ALSO STATED TO LEAVE THE PERSON ALONE AND NOT TO TOUCH HIM. JUST BEFORE LEAVING THE ROOM, (b)(6), (b)(7)(C) SAID STAY OUT OF TROUBLE. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) ASSEMBLED ALL OF THE SQUAD LEADERS FOR A MEETING. IN ATTENDANCE AT THE MEETING WERE (b)(6), (b)(7)(C) AND HALF WAY THROUGH THE MEETING, (b)(6), (b)(7)(C) STATED THAT WE HAVE AN INFORMANT WHICH IS (b)(6), (b)(7)(C). ALL THE SQUAD LEADERS JUST SAT THERE AND LOOKED AT EACH OTHER. (b)(6), (b)(7)(C) THEN MADE A STATEMENT SOMETHING TO THE EFFECT THAT THERE WAS A LOT OF LOYALTY MISSING OR THAT THERE WAS A LOYALTY PROBLEM WHEN SOMEONE DOES THAT. (b)(6), (b)(7)(C) THEN STATED I DONT WANT YOU TO TAKE (b)(6), (b)(7)(C) UP TO THE THIRD DECK, THROW HIM OFF AND KILL HIM, BUT IF HE FALLS DOWN THE STAIRS IN THE MIDDLE OF THE NIGHT, ... OH WELL. ALL THE SQUAD LEADERS THEN LOOKED AT EACH OTHER. NOTHING WAS SAID AS WE ALL KNEW EXACTLY WHAT (b)(6), (b)(7)(C) MEANT. (b)(6), (b)(7)(C) ASKED IF THERE WERE ANY QUESTIONS, THERE WEREN'T, AND HE LEFT. I THEN ASSEMBLED THE SIX MEMBERS OF MY SQUAD WHICH INCLUDED (b)(6), (b)(7)(C) AND TOLD THEM WHAT (b)(6), (b)(7)(C) HAD SAID. I ALSO TOLD THEM NOT TO DO ANYTHING ABOUT THE SITUATION. I CHECKED ON THEM LATE FRIDAY NIGHT OR EARLY SATURDAY MORNING, AND FOUND EVERYTHING WAS ALRIGHT, AND THERE APPEARED TO BE NO PROBLEMS. (b)(6), (b)(7)(C)

SATURDAY NIGHT, (b)(6), (b)(7)(C) COX, AND I WENT TO POST 46. COX STATED THAT HE HAD TO KEEP AN EYE ON (b)(6), (b)(7)(C). I HAD AN IDEA WHAT WAS GOING ON AND I TOLD COX TO LEAVE IT ALONE. COX SAID DONT WORRY ABOUT IT, I'LL TAKE CARE OF IT. (b)(6), (b)(7)(C) KEPT ASKING, (b)(6), (b)(7)(C)

END OF PAGE ONE

(b)(6), (b)(7)(C)

COX AND MYSELF, WHAT WE WERE TALKING ABOUT. COX TOLD (b)(6), (b)(7)(C) NOT TO WORRY ABOUT IT. SOME TIME DURING THE EVENING, (b)(6), (b)(7)(C) ASKED ME IF HE COULD BORROW MY CAR. *MAKE* I TOLD (b)(6), (b)(7)(C) *NO* (b)(6), (b)(7)(C) *as I had been drinking heavily and I dismissed the statement Cox was making. I made an assumption that something might happen and I told (b)(6), (b)(7)(C) that something might occur, but never knew it to be a fact.*

I HAVE READ THIS TWO PAGE STATEMENT PREPARED FOR ME BY SPECIAL AGENT (b)(6), (b)(7)(C) AS WE DISCUSSED IT'S CONTENT. I HAVE BEEN ALLOWED TO MAKE ALL CORRECTIONS AND CHANGES THAT I WISH; INITIALING THESE CORRECTIONS AND CHANGES. THIS STATEMENT IS TRUE AND FACTUAL TO THE BEST OF MY KNOWLEDGE.

(b)(6), (b)(7)(C)

30 July 86 1600

SUBSCRIBED AND SWORN TO BEFORE ME THIS THIRTIETH DAY OF JULY 1986, AT NISRA
GUANTANAMO BAY, CUBA.

(b)(6), (b)(7)(C)

{AUTH: SECNAVINST 5520.1B OF 03 MAY 85}

STATEMENT

PLACE: NISRA GUANTANAMO BAY, CUBA

DATE: 30 JUL 86

I, (b)(6), (b)(7)(C), make the following free and voluntary statement to (b)(6), (b)(7)(C), whom I know to be a Special Agent of the United States Naval Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended.

FOR BIOGRAPHICAL INFORMATION I AM A (b)(6), (b)(7)(C) BORN ON (b)(6), (b)(7)(C) IN (b)(6), (b)(7)(C). MY SOCIAL SECURITY NUMBER IS (b)(6), (b)(7)(C). I AM PRESENTLY ASSIGNED TO RSC, 2ND PLATOON, MARINE BARRACKS, NAVBASE GUANTANAMO BAY, CUBA.

ON FRIDAY, 25 JUL 86, DURING A PLATOON MEETING, (b)(6), (b)(7)(C) SAID SOMEONE FROM THE PLATOON HAD BEEN TALKING WITH N.I.S. (b)(6), (b)(7)(C) SAID THAT THIS INDIVIDUAL HAD LOST ALL LOYALTY TO THE COMPANY AND THAT HE (b)(6), (b)(7)(C) HAD LOST ALL LOYALTY AND TRUST TOWARDS THIS INDIVIDUAL. (b)(6), (b)(7)(C) DISCLOSED THAT HE HAD ALREADY TALKED TO (b)(6), (b)(7)(C) THAT DAY, ABOUT HAVING THIS INDIVIDUAL TRANSFERRED FROM THE PLATOON. (b)(6), (b)(7)(C) REVEILED THAT (b)(6), (b)(7)(C) SAID YES, HE WOULD TRANSFER THIS INDIVIDUAL, BUT NOT TODAY. (b)(6), (b)(7)(C) SAID THE TRANSFER WOULD HAVE TO WAIT UNTIL NEXT WEEK, IF HE WANTS TO BE A SNITCH. (b)(6), (b)(7)(C) ALLEGEDLY SAID, LEAVE HIM IN THE PLATOON UNTIL NEXT WEEK. THE SITUATION SURROUNDING THE TRANSFER AND (b)(6), (b)(7)(C) STATEMENTS WERE RELAYED TO THE WHOLE PLATOON BY (b)(6), (b)(7)(C). THEN ADDRESSED THE PLATOON AND SAID BASICALLY THE SAME THING THAT (b)(6), (b)(7)(C) SAID. I GOT THE IMPRESSION THAT THEY (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) WANTED SOMETHING DONE ABOUT IT, WITHOUT TELLING SOMEONE TO DO SOMETHING. (b)(6), (b)(7)(C) ADDRESSED THE WHOLE PLATOON WHEN HE SAID, SOMETHING TO THE EFFECT, I DON'T WANT THIS PERSON HURT. HE HAPPENS TO FALL DOWN A FLIGHT OF STAIRS, WHAT CAN WE DO ABOUT IT. (b)(6), (b)(7)(C)

IMMEDIATELY AFTER THE PLATOON MEETING ALL THE SQUAD LEADERS WERE CALLED TOGETHER FOR A MEETING BY (b)(6), (b)(7)(C). SAID HE WANTED TO HAVE THIS MEETING SO HE COULD TELL THE SQUAD LEADERS WHO THEN COULD TELL THE PLATOON WHO THE INDIVIDUAL WAS WHO HAD BEEN (b)(6), (b)(7)(C) TO N.I.S. (b)(6), (b)(7)(C) SAID THIS WAS TO STOP RUMORS AND PREVENT PEOPLE FROM POINTING FINGERS AT THE WRONG PLATOON MEMBERS. (b)(6), (b)(7)(C) AGAIN STATED THAT HE DID NOT WANT THIS PERSON TO BE HURT, BUT IF HE FELL DOWN A FLIGHT OF STAIRS, WHAT CAN WE DO ABOUT IT. I GOT THE IMPRESSION THAT (b)(6), (b)(7)(C) WANTED SOMETHING DONE TO THIS PERSON. (b)(6), (b)(7)(C) TOLD US THE INDIVIDUAL WAS (b)(6), (b)(7)(C).

SINCE BOOTCAMP WE HAVE BEEN TOLD AN ALLIGATOR {SNITCH} IN THE MARINE CORPS WILL NEVER MAKE IT. FROM WHAT (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) TOLD US, EVEN THOUGH THEY DID NOT SAY IT, WE, THE PLATOON, FELT (b)(6), (b)(7)(C) WAS A SNITCH.

I HAVE READ THIS ONE PAGE STATEMENT PREPARED FOR ME BY SPECIAL AGENT (b)(6), (b)(7)(C) AT MY REQUEST AS WE DISCUSSED ITS CONTENT. I HAVE BEEN ALLOWED TO MAKE ALL CORRECTIONS AND CHANGES AS I WISH. THIS STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 30TH DAY

CUBA

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

1947-lhs.

NSIFORM 016/04-81

{AUTH: SECNAVINST 5520.1B OF 03MAY85}

000039

EXHIBIT (13)

GPO-889-450

STATEMENT

PLACE: NISRA
GUANTANAMO BAY, CUBA
DATE: 30 JULY 86

I, (b)(6), (b)(7)(C), make the following free and voluntary statement to (b)(6), (b)(7)(C) whom I know to be a Special Agent of the United States Naval Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of ASSAULT OF (b)(6), (b)(7)(C)

ON THURSDAY 24 JULY 86, (b)(6), (b)(7)(C) INFORMED MYSELF, ^{AND} (b)(6), (b)(7)(C) THAT (b)(6), (b)(7)(C) HAD INFORMED US CONCERNING MARINES HAVING FIRED THEIR WEAPONS WHILE ON POST. THIS OCCURRED AT THE NORTHEAST GATE LATE IN THE AFTERNOON. (b)(6), (b)(7)(C) SAID "WELL SIR, I FEEL THAT THE MEN SHOULD BE TOLD." I SAID AT THAT TIME "NO SIR, I DON'T THINK THAT IS A GOOD IDEA." (b)(6), (b)(7)(C) REPLIED, "I FEEL THAT THE MEN SHOULD KNOW AND I AM GOING TO AT LEAST INFORM THE SQUAD LEADERS." (b)(6), (b)(7)(C) AGREED WITH ME AS DID (b)(6), (b)(7)(C) BUT THAT THIS WOULD JUST BE ASKING FOR TROUBLE, BUT (b)(6), (b)(7)(C) INSISTED THAT HE WAS AT LEAST GOING TO TELL THE SQUAD LEADERS.

ON FRIDAY AFTERNOON, (b)(6), (b)(7)(C) HELD A PLATOON MEETING AT THE COMPANY HEADQUARTERS AND INFORMED THE PLATOON WHAT THE INVESTIGATION WAS ABOUT AND THAT AN INFORMER IN THE PLATOON HAD COME FORWARD AND ADVISED US OF THE SITUATION. AT NO TIME DID (b)(6), (b)(7)(C) SAY ANYTHING THAT WOULD IDENTIFY THE INFORMER BUT HE DID SAY THAT HE WOULD BE TRANSFERRED OUT OF THE PLATOON.

I DON'T RECALL SPECIFICALLY WHETHER IT WAS BEFORE OR AFTER (b)(6), (b)(7)(C) PLATOON MEETING, BUT (b)(6), (b)(7)(C) HAD A MEETING WITH ALL FIVE OF THE SQUAD LEADERS FROM SECOND PLATOON. THESE FIVE SQUAD LEADERS ARE: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) I WAS NOT PRESENT AT THIS MEETING BUT I LEARNED LATER FROM (b)(6), (b)(7)(C) THAT (b)(6), (b)(7)(C) HAD IN FACT HELD THIS MEETING AND SPECIFICALLY ADVISED THEM THAT (b)(6), (b)(7)(C) HAD INFORMED NIS OF THE ACTIVITIES ON THE FENCELINE. THESE THREE SQUAD LEADERS ALSO TOLD ME THAT (b)(6), (b)(7)(C) HAD MADE A COMMENT SOMETHING TO THE EFFECT THAT THEY SHOULD NOT MESS WITH HIM, BUT IF HE FALLS DOWN A STAIRWELL OR WELL. (b)(6), (b)(7)(C) ALL THREE RELATED THIS INFORMATION TO ME. (b)(6), (b)(7)(C) CAME TO ME ON HIS OWN BECAUSE HE WAS EXTREMELY CONCERNED ABOUT THIS WHOLE SITUATION. I HAD ASKED (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) ABOUT THIS MEETING AND THEY HAD RELATED SIGNIFICANTLY THE SAME INFORMATION THAT (b)(6), (b)(7)(C) HAD VOLUNTEERED. THIS IS ALL THAT I AM AWARE OF CONCERNING THIS MEETING BETWEEN (b)(6), (b)(7)(C) AND THE SQUAD LEADERS OF SECOND PLATOON (b)(6), (b)(7)(C)

I HAVE READ THIS ONE PAGE STATEMENT PREPARED FOR ME BY SPECIAL AGENT (b)(6), (b)(7)(C) FROM THE INFORMATION AS WE DISCUSSED IT. I HAVE BEEN ALLOWED TO MAKE ALL CORRECTIONS AND CHANGES AS I WISH INITIALLING THESE CORRECTIONS AND CHANGES: THIS STATEMENT IS TRUE AND FACTUAL TO THE BEST OF MY KNOWLEDGE

SWORN AND SUBSCRIBED TO BEFORE ME THIS THIRTIETH DAY OF JULY 1986 AT NISRA GUANTANAMO BAY, CUBA.

EXHIBIT (14)

STATEMENT

PLACE: NISRA
GUANTANAMO BAY, CUBA
DATE: 30 JULY 1986

(b)(6), (b)(7)(C) , make the following free and voluntary statement to (b)(6), (b)(7)(C) whom I know to be a Special Agent of the United States Naval Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended.

ON FRIDAY 25 JULY 86, (b)(6), (b)(7)(C) INFORMED ME THAT (b)(6), (b)(7)(C) HAD TALKED TO NIS CONCERNING THE SUSPECTED INCIDENT ON THE FENCELINE. (b)(6), (b)(7)(C) SAID THAT HE HAD INFORMED BOTH PLATOON COMMANDERS ABOUT (b)(6), (b)(7)(C) AND THAT HE HAD ASKED (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) TO TRANSFER (b)(6), (b)(7)(C) OUT OF THE PLATOON/COMPANY. (b)(6), (b)(7)(C) FURTHER STATED THAT (b)(6), (b)(7)(C) HAD DENIED THIS REQUEST OF TRANSFER AND THAT (b)(6), (b)(7)(C) WOULD BE STAYING IN THE PLATOON. SOMETIME AFTER THIS DISCUSSION (b)(6), (b)(7)(C) HELD A PLATOON MEETING IN THE COMPANY CLASSROOM TO INFORM THE PLATOON ABOUT THE INVESTIGATION AND THE ALLEGATIONS CONCERNING THE FENCELINE.

SHORTLY AFTER THIS MEETING (b)(6), (b)(7)(C) CAME INTO MY OFFICE AND INFORMED ME THAT HE INTENDED TO HOLD A MEETING WITH ALL OF THE SQUAD LEADERS AND INFORM THEM THAT (b)(6), (b)(7)(C) HAD BEEN THE INDIVIDUAL WHO HAD GONE TO NIS WITH THE ABOVE INFORMATION. I TOLD THE LIEUTENANT THAT HE WAS SCREWING UP AND SHOULD NOT TELL ANYONE WHO THE INFORMATION HAD COME FROM. (b)(6), (b)(7)(C) REPLIED THAT HE THOUGHT THAT THE PLATOON SHOULD KNOW AND THAT HE WAS THINKING ABOUT IT AND WAS GOING TO AT LEAST INFORM THE SQUAD LEADERS ABOUT (b)(6), (b)(7)(C). I TOLD (b)(6), (b)(7)(C) THAT HE WAS LOOKING FOR TROUBLE AND IF THE WORD GOT OUT (b)(6), (b)(7)(C) PROBABLY WOULDN'T MAKE IT THROUGH THE WEEKEND. (b)(6), (b)(7)(C) MERELY SHRUGGED HIS SHOULDERS IN REPLY TO THIS. (b)(6), (b)(7)(C) THEN TURNED TO (b)(6), (b)(7)(C) AND TOLD HIM TO HAVE THE SQUAD LEADERS TO STANDBY IN THE CLASSROOM. (b)(6), (b)(7)(C) TOLD (b)(6), (b)(7)(C) THAT HE SHOULDN'T BE DOING THIS AND THEN WENT AND DID AS HE HAD BEEN TOLD (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) THIS IS ALL THAT I KNOW CONCERNING THIS INCIDENT.

I HAVE READ THIS ONE PAGE STATEMENT PREPARED FOR ME BY SPECIAL AGENT (b)(6), (b)(7)(C) FROM THE INFORMATION AS WE DISCUSSED IT. I HAVE BEEN ALLOWED TO MAKE ALL CORRECTIONS AND CHANGES AS I WISH INITIALLYING THESE CORRECTIONS AND CHANGES. THIS STATEMENT IS TRUE AND FACTUAL TO THE BEST OF MY KNOWLEDGE.

(b)(6), (b)(7)(C)

SWORN AND SUBSCRIBED TO BEFORE ME THIS THIRTIETH DAY OF JULY 1986 AT NISRA
GUANTANAMO BAY, CUBA.

(b)(6), (b)(7)(C)

{AUTH: SECNAVINST 5520.1B OF 03 MAY 1985}

EXHIBIT (15)

RESULTS OF INTERVIEW WITH (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) RECORDED BY SPECIAL AGENT
(b)(6), (b)(7)(C) ON 30 JUL 86

(b)(6), (b)(7)(C) WAS INTERVIEWED BY SPECIAL AGENT (b)(6), (b)(7)(C) AT NISRA, GUANTANAMO BAY, CUBA, COMMENCING AT 1840 HOURS ON 30 JUL 86. (b)(6), (b)(7)(C) REPORTED THAT HE IS CURRENTLY ASSIGNED AS A SQUAD LEADER FOR 2ND PLATOON, RIFLE SECURITY COMPANY (RSC)/ MARINE BARRACKS/GROUND DEFENSE FORCE (MB/GDF), NAVAL BASE, GUANTANAMO BAY, CUBA. (b)(6), (b)(7)(C) PROVIDED THE FOLLOWING INFORMATION CONCERNING TWO MEETINGS HELD BY COMMAND PERSONNEL ON FRIDAY, 25 JUL 86. (b)(6), (b)(7)(C) STATED THAT DURING THE EARLY AFTERNOON OF 25 JUL 86, (b)(6), (b)(7)(C) HAD CONDUCTED A MEETING OF ALL 2ND PLATOON PERSONNEL IN THE RSC CLASSROOM TO ADVISE THE PLATOON ABOUT THE NIS INVESTIGATION INTO ACTIVITIES ON THE NAVAL BASE PERIMETER FENCELINE. (b)(6), (b)(7)(C) ADVISED THE PLATOON THAT A PLATOON MEMBER HAD INFORMED NIS CONCERNING ALLEGED SHOOTINGS ALONG THE FENCELINE, AND FURTHER STATED THAT THIS INFORMER WOULD BE TRANSFERRED OUT OF THE PLATOON AS SOON AS POSSIBLE AND THAT NO ONE IN THE PLATOON WAS TO BOTHER HIM IN ANY WAY. (b)(6), (b)(7)(C) FURTHER STATED THAT (b)(6), (b)(7)(C) HAD THEN GONE INTO A "LOYALTY SPIEL", AND SAID THAT WHAT HAD BEEN DONE BY THE INFORMER WAS WRONG, AND WAS DISLOYAL TO EVERYONE SITTING IN THE ROOM. (b)(6), (b)(7)(C) SAID THAT (b)(6), (b)(7)(C) HAD THEN LEFT THE CLASSROOM AND GONE BACK TO THE PLATOON COMMANDER'S OFFICE. (b)(6), (b)(7)(C) ADVISED THAT (b)(6), (b)(7)(C) HAD TAKEN OVER WHEN (b)(6), (b)(7)(C) LEFT THE ROOM AND SAID SOMETHING TO THE EFFECT THAT "YOU GUYS GET OUT OF HERE, I'D LIKE TO SPEAK TO THE SQUAD LEADERS ALONE." (b)(6), (b)(7)(C) STATED THAT HIMSELF, (b)(6), (b)(7)(C) HAD REMAINED IN THE CLASSROOM AFTER THE REST OF THE PLATOON LEFT, AND THAT (b)(6), (b)(7)(C) HAD JOINED THEM A FEW MINUTES LATER. (b)(6), (b)(7)(C) REPORTED THAT AFTER THE REST OF THE PLATOON HAD LEFT, (b)(6), (b)(7)(C) HAD SAID, "THE INFORMER IS (b)(6), (b)(7)(C)", AFTER WHICH HE TOO WENT INTO A "LOYALTY SPIEL", TO THE EFFECT THAT (b)(6), (b)(7)(C) HAD SCREWED UP AND THAT HE HAD NO LOYALTY TO ANYONE IN THE PLATOON. (b)(6), (b)(7)(C) STATED THAT DURING THIS "LOYALTY SPIEL", (b)(6), (b)(7)(C) HAD SAID SOMETHING TO THE EFFECT THAT THE SQUAD LEADERS SHOULD NOT MESS WITH (b)(6), (b)(7)(C) BUT THAT IF HE (b)(6), (b)(7)(C) FELL DOWN THE STAIRS IN THE MIDDLE OF THE NIGHT...OH WELL. (b)(6), (b)(7)(C) FURTHER ADVISED THAT (b)(6), (b)(7)(C) HAD TOLD THE SQUAD LEADERS THAT HE FELT THE PLATOON MEMBERS HAD A RIGHT TO KNOW WHO THE "SNITCH" WAS, AND THAT THEY (THE SQUAD LEADERS) COULD INFORM THE REST OF THE PLATOON. (b)(6), (b)(7)(C) STATED THAT THIS MEETING HAD CONTINUED FOR A FEW MORE MINUTES, WITH (b)(6), (b)(7)(C) DISCUSSING GENERAL PLATOON INFORMATION, AND THEN (b)(6), (b)(7)(C) HAD DISMISSED THE SQUAD LEADERS. (b)(6), (b)(7)(C) STATED THAT HE HAD THEN PROCEEDED TO HIS SQUAD'S QUAD, ASSEMBLED HIS SQUAD MEMBERS IN A CLOSED ROOM, AND TOLD THEM WHAT (b)(6), (b)(7)(C) HAD SAID, AND THAT HE (b)(6), (b)(7)(C) DID NOT WANT ANY OF HIS SQUAD MEMBERS TO DO ANYTHING ABOUT (b)(6), (b)(7)(C) COULD PROVIDE NO FURTHER INFORMATION CONCERNING THIS MATTER, AND REFUSED TO EXECUTE A SWORN STATEMENT CONCERNING THE INFORMATION REPORTED ABOVE.

(b)(6), (b)(7)(C)

NIS

EXHIBIT (16)

RESULTS OF INTERVIEW WITH (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) AS RECORDED BY SPECIAL
AGENT, (b)(6), (b)(7)(C) ON 30 JUL 86

(b)(6), (b)(7)(C) WAS INTERVIEWED BY SPECIAL AGENT (b)(6), (b)(7)(C) AT NISRA GUANTANAMO BAY, CUBA. (b)(6), (b)(7)(C) STATED THAT ON FRIDAY, 25 JUL 86, HE ATTENDED ONE MEETING HELD BY (b)(6), (b)(7)(C) DURING WHICH (b)(6), (b)(7)(C) TOLD THE PLATOON THAT SOMEONE IN THE PLATOON HAD BEEN TALKING TO NIS. (b)(6), (b)(7)(C) NEVER TOLD THE PLATOON THE INDIVIDUAL'S NAME. LATER FRIDAY NIGHT HE HAD OVERHEARD COX WHO LIVED IN THE SAME QUAD AS (b)(6), (b)(7)(C) SAY THAT WE SHOULD GET THIS LITTLE SNITCH. EARLY SATURDAY AFTERNOON (b)(6), (b)(7)(C) DISCLOSED THAT (b)(6), (b)(7)(C) WAS IN THE MARINE BARRACKS AREA LOOKING FOR (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) ASKED (b)(6), (b)(7)(C) IF (b)(6), (b)(7)(C) WAS STILL ALIVE. (b)(6), (b)(7)(C) NOTED THAT HE TOLD (b)(6), (b)(7)(C) AS FAR AS HE KNEW. (b)(6), (b)(7)(C) STATED (b)(6), (b)(7)(C) THEN SAID KEEP HIM THAT WAY. (b)(6), (b)(7)(C) THEN LEFT THE BARRACKS AREA. (b)(6), (b)(7)(C) MENTIONED THAT HE HAD SEEN (b)(6), (b)(7)(C) LATER ON SATURDAY EVENING DRESSED IN A PAIR OF SHORTS, BLUE T-SHIRT WITH A WHITE DRESS SHIRT OVER THE T-SHIRT. (b)(6), (b)(7)(C) STATED THAT THERE WAS NO BLOOD ON (b)(6), (b)(7)(C) SHIRT AT THAT TIME. (b)(6), (b)(7)(C) REVEALED THAT HE WAS AWOKEN BY (b)(6), (b)(7)(C) TALKING TO (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) ENTERED (b)(6), (b)(7)(C) ROOM AT WHICH TIME (b)(6), (b)(7)(C) TOLD HIM TO GET SOMETHING TO HELP CLEAN (b)(6), (b)(7)(C) UP. (b)(6), (b)(7)(C) STATED HE REACHED DOWN TO PICK UP ONE OF TWO TOWELS LYING ON THE FLOOR (ONE WAS BROWN AND ONE WAS LIGHT BLUE). (b)(6), (b)(7)(C) DISCLOSED THAT BOTH TOWELS WERE WET AND COVERED WITH BLOOD. (b)(6), (b)(7)(C) THEN WENT AND OBTAINED SEVERAL WHITE PAPER TOWELS, WET THEM, AND RETURNED TO HELP (b)(6), (b)(7)(C) CLEAN THE BLOOD FROM (b)(6), (b)(7)(C) FACE. (b)(6), (b)(7)(C) NOTED THE WHITE SHIRT (b)(6), (b)(7)(C) WAS WEARING EARLIER IN THE EVENING LYING ON THE FLOOR WITH BLOOD STAINS ON THE SHIRT. IN CLOSING (b)(6), (b)(7)(C) REVEALED THAT THERE WAS BLOOD AND HAIR ALL OVER (b)(6), (b)(7)(C) ROOM. (b)(6), (b)(7)(C) HAD HEARD RUMORS THAT COX HAD COMPLETELY CLEANED THE ROOM PRIOR TO NIS'S ARRIVAL.

(b)(6), (b)(7)(C)

NIS

EXHIBIT (17)

RESULTS OF INTERVIEW OF (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) RECORDED BY SPECIAL
AGENT (b)(6), (b)(7)(C) ON 31 JUL 85

(b)(6), (b)(7)(C) USMC, WAS INTERROGATED AT THE NISRA ON 31 JUL 85, COMMENCING AT 0930. (b)(6), (b)(7)(C) WAS ADVISED THAT SPECIAL AGENT (b)(6), (b)(7)(C) DESIRED TO QUESTION HIM CONCERNING AN ASSAULT ON (b)(6), (b)(7)(C) USMC, WHICH HAD OCCURRED ON 27 JUL 85 AND WHICH HAD BEEN INITIATED BY MEMBERS OF (b)(6), (b)(7)(C) PLATOON. (b)(6), (b)(7)(C) ACKNOWLEDGED THAT HE WAS THE PLATOON COMMANDER FOR (b)(6), (b)(7)(C) AND THE SUSPECTS IN THE ASSAULT. HE WAS FURTHER ADVISED THAT HE WAS SUSPECTED OF HAVING POSSIBLY COMMITTED THE FOLLOWING OFFENSES IN CONJUNCTION WITH THE ASSAULT AND THE SUBSEQUENT INVESTIGATION: OBSTRUCTION OF JUSTICE; CONSPIRACY TO COMMIT ASSAULT; CONDUCT UNBECOMING OF AN OFFICER; AND MISPRISON OF A FELONY. (b)(6), (b)(7)(C) WAS THEN ADVISED OF HIS ARTICLE 31 AND TEMPIA RIGHTS AND WAS ALSO ASKED TO REVIEW AND READ THE MILITARY SUSPECTS ACKNOWLEDGEMENT AND WAIVER OF RIGHTS FORM WHICH IS APPENDED TO THIS RESULTS OF INTERVIEW (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) EXECUTED THE WAIVER OF RIGHTS FORM, STATING THAT HE DID NOT DESIRE TO REMAIN SILENT OR CONSULT WITH AN ATTORNEY AT THIS TIME.

GENERAL BIOGRAPHICAL INFORMATION WAS THEN REQUESTED OF (b)(6), (b)(7)(C) AND IT WAS DETERMINED THAT HE HAD BEEN BORN ON (b)(6), (b)(7)(C) AND THAT HIS SSN IS (b)(6), (b)(7)(C). HE IS PRESENTLY A FIRST LIEUTENANT IN THE USMC HAVING BEEN COMMISSIONED ON 18 JUN 82. (b)(6), (b)(7)(C) PROVIDED GENERAL INFORMATION CONCERNING THE COMMAND STRUCTURE OF THE GUANTANAMO BAY RIFLE SECURITY COMPANY (RSC). HE STATED THAT THE RSC IS MADE UP OF TWO COMPANIES, ONE OF WHICH IS ASSIGNED TO PROVIDE NAVAL BASE GUANTANAMO BAY PERIMETER SECURITY ON THE LEEWARD PORTION OF THE NAVAL BASE AND THE OTHER COMPANY IS ASSIGNED TO PROVIDE FENCELINE SECURITY ON THE WINDWARD SIDE. (b)(6), (b)(7)(C) STATED THAT HE IS PRESENTLY ASSIGNED AS A PLATOON COMMANDER ON WINDWARD. HE STATED THAT THE WINDWARD COMPANY IS COMMANDED BY (b)(6), (b)(7)(C) USMC. HE EXPLAINED THAT THE TWO WINDWARD PLATOONS OF RSC ROTATE FENCELINE RESPONSIBILITIES AT ONE WEEK INTERVALS.

IT WAS ACKNOWLEDGED BY (b)(6), (b)(7)(C) THAT (b)(6), (b)(7)(C) HAD POSSIBLY BEEN ASSAULTED BY PLATOON MEMBERS, AT LEAST IN PART, BECAUSE OF (b)(6), (b)(7)(C) PERCEIVED COOPERATION WITH NIS AUTHORITIES. HE WAS QUESTIONED AS TO WHY (b)(6), (b)(7)(C) COOPERATION WITH NIS HAD REPORTEDLY RESULTED IN (b)(6), (b)(7)(C) DECISION TO TRANSFER (b)(6), (b)(7)(C) FROM (b)(6), (b)(7)(C) PLATOON. HE EXPLAINED THAT PLATOON MEMBERS KNEW THAT SEVERAL PLATOON MEMBERS HAD BEEN SUMMONED TO THE NIS OFFICE FOR QUESTIONING AND THAT RUMORS HAD CIRCULATED WITHIN THE PLATOON THAT SOMEONE HAD PROVIDED INFORMATION TO NIS WHICH MIGHT BE DAMAGING TO INDIVIDUALS IN THE PLATOON. (b)(6), (b)(7)(C) BELIEVED THAT MORALE WOULD BE ADVERSELY AFFECTED IF PLATOON MEMBERS BELIEVED THAT THEY MIGHT BE CONTINUALLY OBSERVED BY AN NIS INFORMANT DURING THEIR DAILY DUTIES.

IN RESPONSE TO QUESTIONING, (b)(6), (b)(7)(C) ADMITTED THAT HE HAD PROVIDED THE PLATOON SQUAD LEADERS WITH (b)(6), (b)(7)(C) IDENTIFY NOTING THAT IT WAS (b)(6), (b)(7)(C) WHO HAD PROVIDED POSSIBLY DAMAGING INFORMATION TO NIS. (b)(6), (b)(7)(C) STATED THAT HE BELIEVED THAT THE PLATOON MEMBERS NEEDED TO BE ADVISED OF THE IDENTITY OF THE "NIS INFORMANT" IN AN EFFORT TO QUELCH FALSE RUMORS WHICH HAD BEEN CIRCULATING IN THE PLATOON. HE ACKNOWLEDGED THAT AFTER HAVING DISCUSSED THIS DECISION WITH (b)(6), (b)(7)(C) THE PLATOON SERGEANT, BOTH INDIVIDUALS HAD EXPRESSED A BELIEF THAT (b)(6), (b)(7)(C) SHOULD NOT ADVISE PLATOON MEMBERS (b)(6), (b)(7)(C)

EXHIBIT (18)

(b)(6), (b)(7)(C) COOPERATION WITH NIS. AS A RESULT, (b)(6), (b)(7)(C) REPORTEDLY DECIDED TO ADVISE ONLY THE SQUAD LEADERS WITHIN THE PLATOON AND SUBSEQUENTLY HAD REQUESTED THAT THEY BE ASSEMBLED. (b)(6), (b)(7)(C) ADVISED THAT HE MET WITH THE FOLLOWING SQUAD LEADERS: (b)(6), (b)(7)(C) {THE PLATOON GUIDE}; (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) STATED THAT HE ADVISED THE SQUAD LEADERS THAT (b)(6), (b)(7)(C) HAD BEEN THE PLATOON MEMBER WHO HAD PROVIDED INFORMATION TO NIS AND THAT AS PREVIOUSLY ACKNOWLEDGED BEFORE THE PLATOON BY (b)(6), (b)(7)(C) WOULD SOON BE TRANSFERRED FROM THE PLATOON. (b)(6), (b)(7)(C) STATED THAT HE HAD STRESSED TO THE SQUAD LEADERS THAT THEY SHOULD ENSURE THAT NO HARM OR INTIMIDATION BE DIRECTED TOWARD

(b)(6), (b)(7)(C) STATED TO SPECIAL AGENT (b)(6), (b)(7)(C) THAT HE HAD BELIEVED IT TO BE IN THE BEST INTEREST OF THE PLATOON TO ADVISE THEM OF (b)(6), (b)(7)(C) COOPERATION WITH NIS AND FURTHER STATED THAT HE STILL BELIEVED HE MADE THE RIGHT DECISION. HE DETAILED AN INCIDENT WHICH REPORTEDLY OCCURRED MOMENTS PRIOR TO THE AFOREMENTIONED MEETING WITH THE SQUAD LEADERS IN WHICH HE HAD HAD A DISCUSSION WITH (b)(6), (b)(7)(C) HAD REPORTEDLY STATED (b)(6), (b)(7)(C) THAT HE WAS AWARE OF THE IDENTITY OF THE PLATOON MEMBER WHO HAD PROVIDED INFORMATION TO NIS. (b)(6), (b)(7)(C) STATED THAT HE RESPONDED BY TELLING (b)(6), (b)(7)(C) THAT HE DID NOT BELIEVE (b)(6), (b)(7)(C) DID KNOW THE CORRECT IDENTITY. HE HAD REPORTEDLY ASKED (b)(6), (b)(7)(C) WHO HE BELIEVED THE INFORMANT TO BE, (b)(6), (b)(7)(C) HAD RESPONDED BY NAMING A PLATOON MEMBER OTHER THAN (b)(6), (b)(7)(C) STATED THAT HE THEN TOLD (b)(6), (b)(7)(C) "THAT'S WHY WE ARE GOING TO TELL YOU WHO IT IS SO THAT THERE IS NO QUESTION." (b)(6), (b)(7)(C) STATED THAT HE HAD FEARED THAT THIS INFORMATION MIGHT RESULT IN INJURY TO A PLATOON MEMBER WHO HAD NOT PROVIDED INFORMATION TO NIS. IT WAS NOTED BY SPECIAL AGENT (b)(6), (b)(7)(C) THAT BY ADVISING THE PLATOON OF (b)(6), (b)(7)(C) COOPERATION HE WOULD BE INVITING INJURY TO (b)(6), (b)(7)(C) STATED THAT DUE TO THAT POSSIBILITY, HE AND (b)(6), (b)(7)(C) HAD REPEATEDLY ADVISED PLATOON MEMBERS NOT TO TAKE ACTION AGAINST (b)(6), (b)(7)(C). HE STATED THAT HE HAD MADE EVERY EFFORT TO STRESS TO THE PLATOON THAT THE MATTER WAS BEING HANDLED THROUGH OFFICIAL CHANNELS.

(b)(6), (b)(7)(C) WAS ADVISED THAT SEVERAL PLATOON MEMBERS WHO HAD BEEN PRESENT AT THE SQUAD LEADERS MEETING HAD INDICATED THAT (b)(6), (b)(7)(C) HAD MADE A COMMENT SOMETHING TO THE EFFECT THAT HE DID NOT WANT PLATOON MEMBERS TO TAKE (b)(6), (b)(7)(C) UP TO THE THIRD DECK, THROW HIM OFF AND KILL HIM, BUT IF HE FALLS DOWN THE STAIRS IN THE MIDDLE OF THE NIGHT, ...OH WELL. (b)(6), (b)(7)(C) ADMITTED THAT HE HAD PROBABLY MADE THIS COMMENT AND STATED HE HAD MADE THE COMMENT WITH THE INTENTION OF EMPHASIZING TO THE PLATOON THAT MATTERS SHOULD NOT BE TAKEN INTO THEIR OWN HANDS. HE EMPHATICALLY DENIED THAT HE HAD ATTEMPTED TO GIVE THE SQUAD LEADERS THE IMPRESSION THAT THEY SHOULD TAKE "UNOFFICIAL" ACTION AGAINST (b)(6), (b)(7)(C) ADMITTED THAT HE MAY HAVE COMMENTED TO PLATOON MEMBERS (b)(6), (b)(7)(C) HAD A LOYALTY PROBLEM, BUT, NOTED THAT (b)(6), (b)(7)(C) LOYALTY TO THE PLATOON WAS NOT QUESTIONED BECAUSE HE HAD PROVIDED INFORMATION TO NIS, BUT, RATHER BECAUSE HE HAD NOT PROVIDED THE INFORMATION TO THE COMMAND MEMBERS FIRST.

(b)(6), (b)(7)(C) STRESSED THAT HE AND (b)(6), (b)(7)(C) HAD CONTINUALLY ENCOURAGED PLATOON MEMBERS TO COOPERATE WITH NIS IN AN INVESTIGATION OF FENCELINE ACTIVITIES. SPECIAL AGENT (b)(6), (b)(7)(C) NOTED THAT BY IDENTIFYING (b)(6), (b)(7)(C) AS AN NIS INFORMANT TO THE PLATOON AND BY ADVISING THE PLATOON THAT (b)(6), (b)(7)(C) WOULD SUBSEQUENTLY

BE TRANSFERRED FROM THE PLATOON, (b)(6), (b)(7)(C) WAS HARDLY ENCOURAGING ADDITIONAL PLATOON MEMBERS TO COOPERATE IN THE NIS INVESTIGATION. (b)(6), (b)(7)(C) RESPONDED BY STATING THAT IT HAD NOT BEEN HIS INTENTION TO IN ANYWAY IMPEDE THE NIS INVESTIGATION. AT THIS TIME, (b)(6), (b)(7)(C) ACKNOWLEDGED THAT HE HAD NOT BEEN AWARE THAT SPECIAL AGENT (b)(6), (b)(7)(C) OF THE NISRA HAD ORIGINALLY REQUESTED (b)(6), (b)(7)(C) BE SENT TO THE NISRA FOR QUESTIONING. HE WAS APPARENTLY UNDER THE IMPRESSION THAT (b)(6), (b)(7)(C) HAD CONTACTED NIS AND HAD PROVIDED INFORMATION AS AN "INFORMANT". HE AGAIN ACKNOWLEDGED THAT PLATOON MEMBERS WOULD NOT BE ENCOURAGED TO COOPERATE WITH NIS IF THEY BELIEVE THAT THE PLATOON COMMANDER WOULD SUBSEQUENTLY REVEAL THEIR COOPERATION TO THE PLATOON. SPECIAL AGENT (b)(6), (b)(7)(C) QUESTIONED (b)(6), (b)(7)(C) CONCERNING ANY KNOWLEDGE HE MAY HAVE OF UNAUTHORIZED DISCHARGES OF FIREARMS BY PLATOON MEMBERS ON THE PERIMETER FENCE LINE (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) STATED THAT HE KNEW OF NO UNAUTHORIZED DISCHARGES SINCE HIS ARRIVAL ON 29 OCT 85. HE STATED THAT HE DID NOT BELIEVE THE RUMOR THAT (b)(6), (b)(7)(C) HAD SHOT A DEER WHILE ON DUTY AND THAT IT HAD BEEN CONSUMED AT A PLATOON PARTY. HE DID NOT BELIEVE THIS INCIDENT COULD HAVE OCCURRED WITHOUT HIS KNOWLEDGE.

(b)(6), (b)(7)(C) WAS QUESTIONED CONCERNING (b)(6), (b)(7)(C) PERFORMANCE WITHIN THE PLATOON. (b)(6), (b)(7)(C) STATED THAT (b)(6), (b)(7)(C) WAS GENERALLY CONSIDERED THE WEAKEST MARINE AND POOREST PERFORMER IN THE PLATOON. HE NOTED THAT HE HAD COUNSELED (b)(6), (b)(7)(C) ON NUMEROUS OCCASIONS AND THAT (b)(6), (b)(7)(C) HAD EXPRESSED AN INTEREST IN BEING DISCHARGED FROM THE USMC.

SPECIAL AGENT (b)(6), (b)(7)(C) WAS ADVISED BY (b)(6), (b)(7)(C) THAT (b)(6), (b)(7)(C) HAD DAILY MET WITH THE TEN PLATOON MEMBERS, PRESENTLY CONFINED TO THE NAVAL BASE BRIG, WHO WERE SUSPECTED OF HAVING ASSAULTED (b)(6), (b)(7)(C). HE STATED THAT DISCUSSIONS WITH LCPL COX HAD REVEALED THAT (b)(6), (b)(7)(C) HAD POSSIBLY BEEN OBSERVED IN THE CLUB ON THE EVENING PRIOR TO THE ASSAULT IN A HIGHLY INTOXICATED CONDITION (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) ALLEGEDLY BEEN OBSERVED WEARING A WHITE DRESS SHIRT WITH NUMEROUS SPOTS OF BLOOD ON IT. HE STATED THAT HE BELIEVED THEY HAD OBSERVED (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) WEARING A BLOODSTAINED SHIRT JUST PRIOR TO MIDNIGHT ON 26 JUL 86. (b)(6), (b)(7)(C) STATED THAT THIS INFORMATION WAS SUBSEQUENTLY CONFIRMED BY (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) ALSO CONFINED AS A SUSPECT IN THE ASSAULT. (b)(6), (b)(7)(C) ADVISED THAT HE HAD DISCUSSED THIS MATTER WITH (b)(6), (b)(7)(C) ROOMMATE, (b)(6), (b)(7)(C) AND THAT (b)(6), (b)(7)(C) HAD CONFIRMED THAT HE HAD SEEN (b)(6), (b)(7)(C) WEARING A BLOODY SHIRT ABOUT 1900 ON 26 JUL 86. SPECIAL AGENT (b)(6), (b)(7)(C) ACKNOWLEDGED THAT A DRESS WHITE SHIRT WITH BLOODSTAINS ON IT HAD BEEN SEIZED FROM (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) ROOM AND ENTERED INTO THE NISRA EVIDENCE CUSTODY SYSTEM.

(b)(6), (b)(7)(C) WAS REQUESTED TO REDUCE HIS ADMISSIONS INTO A WRITTEN STATEMENT; HOWEVER, HE DECLINED TO PROVIDE A WRITTEN STATEMENT UNTIL AFTER HAVING CONSULTED WITH AN ATTORNEY. NO FURTHER QUESTIONS WERE ASKED OF (b)(6), (b)(7)(C) AND THE INTERROGATION WAS TERMINATED AT 1055.

(b)(6), (b)(7)(C)

NIS

ATTACHMENT
MILITARY SUSPECTS ACKNOWLEDGEMENT AND WAIVER OF RIGHTS FORM/31 JUL 86... (ORIG REQ/
COPY ALL)



Place:

NISRA

Guantanamo Bay, Cuba

(b)(6), (b)(7)(C)

I, _____
have been advised by Special Agent(s) _____

(b)(6), (b)(7)(C)

that I am suspected of obstruction of justice; conspiracy to commit
assault; conduct unbecoming of an officer; misprision
of a felony.

I have also been advised that:

- (b)(6), (b)(7)(C) 1) I have the right to remain silent and make no statement at all;
- (b)(6), (b)(7)(C) 2) Any statement I do make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- (b)(6), (b)(7)(C) 3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- (b)(6), (b)(7)(C) 4) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and
- (b)(6), (b)(7)(C) 5) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

Signature: _____

(b)(6), (b)(7)(C)

Date & Time: _____

660731 0925

Witnessed _____

(b)(6), (b)(7)(C)

Date & Time: _____

At this time, I, _____
desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.



MILITARY SUSPECT ; ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: NiARA

Guantanamo Bay, Cuba

(b)(6), (b)(7)(C)

have been advised by Special Agent(s) _____

(b)(6), (b)(7)(C)

that I am suspected of obstruction of justice; conduct
unbecoming of an officer

I have also been advised that:

- (b)(6), (b)(7)(C) 1) I have the right to remain silent and make no statement at all;
- (b)(6), (b)(7)(C) 2) Any statement I do make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- (b)(6), (b)(7)(C) 3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- (b)(6), (b)(7)(C) 4) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and
- (b)(6), (b)(7)(C) 5) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

Signature: _____

(b)(6), (b)(7)(C)

Date & Time: 1 AUG 86 0812

Witnessed: _____

(b)(6), (b)(7)(C)

Date & Time: 03 AUG 86 1200

At this time, I, _____ (b)(6), (b)(7)(C) desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

I AM MAKING A WRITTEN STATEMENT FULLY COGNIZANT OF MY RIGHTS AS SET FORTH ABOVE. FOR IDENTIFICATION PURPOSES, I AM A (b)(6), (b)(7)(C) BORN ON (b)(6), (b)(7)(C) AND MY SSN IS (b)(6), (b)(7)(C). I AM A CAPT IN THE USMC HAVING BEEN COMMISSIONED 19 DEC 80 AND I REPORTED TO THE U.S. NAVAL BASE IN GUANTANAMO BAY, CUBA ON 17 SEP 84. I AM THE (b)(6), (b)(7)(C) OF RIFLE SECURITY COMPANY WINDWARD AND HAVE TWO PLATOONS IN MY COMPANY.

I AM AWARE THAT NIS WAS CONDUCTING AN INVESTIGATION INTO THE POSSIBILITY OF SOME OF MY MARINES FIRING THEIR WEAPONS ACROSS THE FENCE INTO COMMUNIST CUBA. I WAS AWARE THAT NIS HAD INTERVIEWED (b)(6), (b)(7)(C) AND THAT HE HAD PROVIDED THEM WITH SOME INFORMATION IN THIS MATTER. BECAUSE OF THE NATURE OF THE INFORMATION BEING RELAYED TO NIS, THOUGH UNAWARE OF THE IDENTITY OF THE MARINE (AT THAT TIME), I KNEW THAT SOMEONE IN THE COMPANY WAS PROVIDING SOME SPECIFIC DETAILS TO THE AGENTS WORKING ON THE CASE. BY A PROCESS OF ELIMINATION, BOTH MYSELF AND OTHER MEMBERS OF THE UNIT WERE ABLE TO NARROW HIS IDENTITY TO ONE OF THREE

(b)(6), (b)(7)(C)

MARINES. I WAS NOT UPSET THAT THIS INFORMATION WAS BEING PASSED, ONLY THAT I WAS RECEIVING IT THROUGH A THIRD HAND. I ASKED AGENT (b)(6), (b)(7)(C) WHO HE WAS GETTING HIS INFORMATION FROM AND I WAS TOLD THAT IT WAS (b)(6), (b)(7)(C) AT THAT TIME I REMARKED THAT (b)(6), (b)(7)(C) WAS TELLING HIM, (b)(6), (b)(7)(C) FACTUAL, WAS NOT COMPLETE AND THAT MUCH OF WHAT (b)(6), (b)(7)(C) HEARD AND LATER PASSED ON WAS BEING TAKEN OUT OF CONTEXT AND THEREFORE WAS NOT AS VALUABLE AS AGENT (b)(6), (b)(7)(C) SEEMED TO BELIEVE. AFTER THAT I TALKED TO (b)(6), (b)(7)(C) ABOUT A MARINE TALKING TO NIS WITHOUT GOING THROUGH THE CHAIN OF COMMAND. AT A MEETING OF THE PLATOON COMMANDERS AND SERGEANTS, I INFORMED THEM THAT (b)(6), (b)(7)(C) WAS APARENTLY TALKING TO NIS AND RELAYING INFORMATION ON THE DAY TO DAY ACTIVITIES ON THE FENCELINE. I WAS DISTURBED BECAUSE I REALIZED THAT (b)(6), (b)(7)(C) WAS HAVING PROBLEMS WITHIN HIS PLATOON AND THAT SOME OF WHAT HE HAD TO SAY COULD HURT IF IT WAS TAKEN OUT OF CONTEXT. AT THIS POINT, I TALKED TO (b)(6), (b)(7)(C) ABOUT AN INCIDENT RELAYED BY (b)(6), (b)(7)(C) WHERE AGENT (b)(6), (b)(7)(C) WAS TOLD THAT (b)(6), (b)(7)(C) HAD BEEN SHOWN THREE LOOSE ROUNDS BY (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) WAS SUPPOSED TO HAVE LOOKED AT THEM, HANDED THEM BACK TO (b)(6), (b)(7)(C) AND TOLD HIM TO "TAKE THEM". THE ACTUAL STORY WAS THAT (b)(6), (b)(7)(C) SHOWED THREE DAMAGED ROUNDS TO (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) TOLD HIM TO "TAKE THEM TO THE SWITCH ABOUT THIS SAME TIME, SOME OF THE MARINES STARTED TO QUESTION THE PLATOON COMMANDER AND MYSELF AS TO THE SOURCE OF SOME OF OUR INFORMATION. THEY BELIEVED THAT THERE WAS AN INFORMER IN THE COMPANY AND SEVERAL OF THEM, BEING AT LEAST AS CLEVER AS I, HAD ALSO NARROWED HIS IDENTITY TO ONE OF TWO PERSONS. AT THIS POINT I BEGAN TO FEEL UNCOMFORTABLE WITH THE WHOLE SITUATION. HAVING BEEN AN ENLISTEDMAN IN THE EARLY 1970'S I CAN STILL REMEMBER THE PROBLEMS ASSOCIATED WITH "INFORMERS" AND SOME OF THE RESULTS WHEN THEIR IDENTITIES WERE SUSPECTED. I DECIDED THAT I NEEDED TO GET (b)(6), (b)(7)(C) OUT OF THE COMPANY, AND TRY TO GET HIM AT LEAST TO THE OTHER SIDE OF THE BASE. BOTH (b)(6), (b)(7)(C) AGREED WITH ME, BUT AS IT WAS FRIDAY AFTERNOON AND I SAID THAT ONCE THE MARINES KNEW THAT I WAS AWARE OF THE WHOLE SITUATION, (b)(6), (b)(7)(C) WOULD BE SAFE THROUGH THE WEEKEND. WE DECIDED TO LEAVE HIM THERE UNTIL MONDAY. AFTER THAT I CALLED 2ND PLT TOGETHER TO EXPLAIN TO THEM THE ENTIRE SITUATION. I TOLD THEM THAT A MARINE WAS GIVING INFORMATION TO NIS WITHOUT GOING THROUGH THE CHAIN OF COMMAND. I WAS SPECIFIC IN STATING THAT GIVING INFORMATION OUTSIDE THE UNIT WASN'T WRONG AND THAT IF I HAD THE INFORMATION, I WOULD TELL NIS, BUT THAT I WAS UPSET THAT THIS INDIVIDUAL DIDN'T HAVE THE LOYALTY AND TRUST TO COME TO ME AS WELL AS NIS. BECAUSE OF THE NATURE OF RIFLE SECURITY COMPANY, TRUST AND LOYALTY ARE OF THE UTMOST IMPORTANCE. WHEN THOSE TWO ELEMENTS ARE LOST, THEN THE COMPANY WILL NO LONGER BE ABLE PERFORM ITS MISSION. I TOLD THE PLATOON THAT THIS INDIVIDUAL HAD COMMITTED NO CRIME BY SPEAKING TO NIS, BUT THAT BY NOT LETTING ME KNOW WHAT WAS GOING ON HE HAD VIOLATED THE TRUST PLACED IN HIM, AND THAT HE WOULD BE TRANSFERRED. (b)(6), (b)(7)(C)

AT THIS SAME TIME I STRESSED TO THE PLATOON THAT THEY WERE, "NOT TO TOUCH THIS GUY. HE IS NOT TO FALL DOWN THE STAIRS, NOT TO SLIP ON SOME SOAP, AND THAT IF YOU HURT HIM IN ANY WAY, I'LL HAVE YOUR ASS." AFTER THAT I LEFT THE ROOM AND (b)(6), (b)(7)(C) CALLED HIS SQUAD LEADERS IN TO INFORM THEM THAT (b)(6), (b)(7)(C) WAS THE MARINE ABOUT WHOM I HAD BEEN SPEAKING. THE LAST THING I SAID TO (b)(6), (b)(7)(C) BEFORE HE DID THAT, WAS TO STRESS THAT THEY WERE TO KEEP THEIR HANDS OFF OF HIM.

THE NEXT AFTERNOON I WENT TO THE BARRACKS TO CHECK ON (b)(6), (b)(7)(C) HE WASN'T IN HIS ROOM AND AS I WAS LEAVING I SAW (b)(6), (b)(7)(C) ACROSS THE HALL. I ASKED HIM WHERE (b)(6), (b)(7)(C) WAS. (b)(6), (b)(7)(C) DIDN'T KNOW, AND AS I LEFT I TOLD HIM TO MAKE SURE THAT (b)(6), (b)(7)(C) DIDN'T GET HURT.

IT IS MY OWN OPINION THAT (b)(6), (b)(7)(C) WOULD PROBABLY HAVE GOTTEN HAZED PHYSICALLY AT SOME FUTURE DATE HAD THIS INCIDENT NOT OCCURED. HE WAS NOT, AND IS NOT OF THE QUALITY OF MARINE THAT IS REQUIRED FOR THIS JOB. THE OTHER MARINES OF HIS UNIT KNEW THIS AND KNEW THAT HIS UNWILLINGNESS TO PERFORM MADE THEIR JOBS THAT MUCH HARDER.

WHILE THERE IS A POSSIBILITY THAT SOME OF THE MARINES IN THIS COMPANY (b)(6), (b)(7)(C) THEIR WEAPONS ON THE FENCELINE, I DO NOT BELIEVE THAT IT IS WIDESPREAD, OR THAT ANY OF THEM WOULD FIRE ACROSS THE FENCE. THERE ARE STORIES OF MARINES SHOOTING DEER, BUT THE LAST DEER TAKEN OUT THERE TO MY KNOWLEDGE WAS OVER A YEAR AGO, AND IT WAS KILLED BY A VEHICLE POSTING SENTRIES AT NIGHT. EACH OF THE MARINES ASSIGNED TO THIS COMPANY IS

(b)(6), (b)(7)(C)

COMPLETELY INDOCTRINATED IN THE USE OF WEAPONS, HANDLING OF A UNITION, AND CONDUCT ON THE FENCELINE. EACH MARINE UNDERSTANDS HOW IMPORTANT HIS JOB IS, AND WHAT COULD HAPPEN IF HE FAILS IN ANY PART OF HIS DUTIES. ONCE A MARINE REPORTS IN HERE, AFTER HE GETS CHECKED IN, HE SPENDS THE FIRST WEEK IN CLASSES WHICH INCLUDE WEAPONS, AMMUNITION, CONDUCT, THREAT CAPABILITIES, INTELLIGENCE BRIEF, AND RECOGNITION OF THREAT WEAPONS AND EQUIPMENT. THE SECOND WEEK IS SPENT STANDING POST WITH ANOTHER MARINE EXPERIENCED ON POST. AT THE END OF THAT PERIOD HE IS GIVEN SEVERAL SITUATIONS AND HE IS REQUIRED TO EXPLAIN HOW HE WOULD ACT, AND REACT IN EACH CASE. HIS RESPONSE IS THEN EVALUATED BY TWO SNCOS AND AN OFFICER. IF IT IS FELT THAT HE HAS GRASPED ALL THAT HE WAS TAUGHT, THEN HE GOES INTO A ONE MONTH PROBATIONARY PERIOD. DURING THAT MONTH, SHOULD HE FAIL TO PERFORM SATISFACTORILY, HE MUST BE RE-EVALUATED. IF HE FAILS THE SECOND TIME, HE IS TRANSFERRED TO H&S COMPANY. THIS WHOLE PROGRAM WAS INSTITUTED BY THIS COMPANY FOR THE SOLE PURPOSE OF PREVENTING ACTS SUCH AS ACCIDENTAL DISCHARGES, AND MISCONDUCT ON THE FENCELINE.

I HAVE TYPED THIS THREE PAGE STATEMENT MYSELF. THE CONTENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE INITIALED ANY CORRECTIONS I HAVE MADE.

(b)(6), (b)(7)(C)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 3RD DAY OF AUGUST 1986 IN GUANTANAMO BAY, CUBA.

(b)(6), (b)(7)(C)

{AUTH: SECNAVINST 5520.1B OF 03MAY85}